

# Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. A. H. Belmont

DATE: October 18, 1957

FROM : R. R. Roach

SUBJECT: FUND FOR THE REPUBLIC (FFR) 100-391697

Tolson \_\_\_\_\_  
Nichols \_\_\_\_\_  
Boardman \_\_\_\_\_  
Belmont \_\_\_\_\_  
Mohr \_\_\_\_\_  
Parsons \_\_\_\_\_  
Rosen \_\_\_\_\_  
Tamm \_\_\_\_\_  
Trotter \_\_\_\_\_  
Nease \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Holloman \_\_\_\_\_  
Gandy \_\_\_\_\_

Reference is made to the attached pamphlet entitled "The Free Society," which was sent to the Director from the FFR and received on 10/4/57. The pamphlet was transmitted with a printed form which indicated it was sent by Robert M. Hutchins, president of the FFR and said, "We will appreciate receiving your comments and suggestions about the program."

In this pamphlet the FFR announced it has begun a series of studies concerning the effect on individual freedom of certain institutions in the U.S. since 1791, and indicated that government is no longer the only institution with the power to increase or to deplete the freedom of the individual and of society. The institutions named are the modern corporation, the labor union, the media of mass communications, the organized political party and the church. The pamphlet reflected all these institutions have one thing in common: "They have a profound effect on the individual's daily life and on his rights and responsibilities."

According to this pamphlet, 4 projects have been started which are the corporation, the trade union, the common defense, and the religious institutions projects. We have received previous information regarding these, except the religious institutions project which will deal with the relationship between church and state, the role of religion in public life and the rights of religious dissent or non-conformity.

All of the persons named in the pamphlet have been previously identified as being affiliated with the FFR.

## ACTION:

None. In view of the FFR's history of coddling communists and criticizing the Government under Hutchins' leadership, if the Director approves, no acknowledgment or comment will be made regarding this pamphlet.

## Enclosure

- 10 - Mr. Nichols
- 1 - Mrs. Boardman
- 1 - Mr. Belmont
- 1 - Liaison Section
- 1 - Mr. Gaffney

RECORDED 75  
INDEXED 76

100-391697  
OCT 18 1957

EX-131

35 OCT 28 1957 ENCLOSURE



# THE FREE SOCIETY

**A Declaration by the Representatives of the UNITED STATES OF AMERICA in General Congress assembled.**

When in the course of human events it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth the separate and equal station to which the laws of nature and of nature's god entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal; that <sup>certain un-</sup> <sup>alienable rights</sup> they are endowed by their Creator with inherent and inalienable rights, that among these are life, liberty, and the pursuit of happiness; that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the

The consultants are:

ADOLF A. BERLE, JR., attorney; professor of corporation law, Columbia University; former Assistant Secretary of State; author of many articles and books on business organizations and corporations.

SCOTT BUCHANAN, philosopher and author; former dean of St. John's College.

EUGENE BURDICK, political scientist at the University of California; novelist, author of *The Ninth Wave*.

ERIC GOLDMAN, professor of history at Princeton University; winner of the Bancroft Prize in 1952 for distinguished American history.

CLARK KERR, Chancellor of the University of California; a specialist in the fields of economics and labor with extensive experience as impartial chairman on arbitration in industrial relations.

HENRY R. LUCE, editor-in-chief and publisher of *Time*, *Life*, *Fortune*, *Sports Illustrated* and *House and Home*.

JOHN COURTNEY MURRAY, S.J., educator and editor, professor of theology at Woodstock College, Maryland; winner of the Cardinal Spellman Award for theological scholarship in 1950.

REINHOLD NIEBUHR, Protestant theologian; vice-president of the Union Theological Seminary; author of many books on Christianity in the modern world.

ISIDOR I. RABI, professor of physics at Columbia University; winner of the Nobel Prize in Physics, 1944; chairman of the general advisory committee of the Atomic Energy Commission.

ROBERT REDFIELD, professor of anthropology at the University of Chicago; former president of the American Anthropological Association.

The Fund was established by the Ford Foundation in December, 1952, to advance the principles of a free society. It has devoted itself in the last four years to educational efforts in race relations, academic freedom, due process, loyalty-security programs, freedom of speech and assembly, and generally to the preservation of the traditional liberties guaranteed by the Constitution.

These activities of the Fund helped to initiate a widespread debate about the application of our traditional liberties. In a sense this indicated that the Fund had been meeting one of its objectives — to encourage public discussion about freedom and justice and, thereby, to help maintain our free society. But the real issues often were obscured by emotionalism and irrational arguments.

It became evident that clarification of the debate was urgently needed. Consequently the Fund's Board of Directors decided, in May, 1957, to concentrate on a searching examination of the questions facing Americans in preserving a free society under 20th century conditions.

A year's discussion and planning preceded this decision which, in essence, takes cognizance of the fact that the basic issues of freedom and justice in the complex industrial America of today involve more than the *traditional* issues as formulated in the eighteenth century.

Many thoughtful persons in recent years have expressed a feeling that Western society needed a reformulation of its ideas. In April, 1956, Dr. A. J. M. van Dal of The Hague, Secretary-General of the International Com-





## THE BASIC ISSUES: 1791-1957

At the time the Bill of Rights was adopted in 1791 . . .

- The population of the United States was approximately 4,000,000.
- Fewer than a quarter of a million people had the right to vote.
- Industry was small, dispersed and largely made up of family-run enterprises serving local needs.
- Farming was the main economic activity.
- News syndicates, radio, television, telephones and movies did not exist.
- There were no nuclear bombs, airplanes or guided missiles.

- There were no Communists, either Soviet or domestic.
- There were no trade unions.
- The Industrial Revolution was just beginning, and most of the population was self-employed.
- Fewer than 5,000 persons were employed by the Federal Government.

The Bill of Rights was added to the Constitution to guarantee the rights and liberties of the individual in such a society, uncomplicated, new, and with inviting frontiers. The first ten Amendments defined the citizen's status in relation to Government, the only institution whose power was great enough to oppress him.

Since 1791, the population has expanded more than 40-fold; the Industrial Revolution has turned into the Atomic Age; the Federal Government employs more than 2,400,000 persons and has many more under arms; two-thirds of the population live in cities; only one out of seven people is self-employed; and as economic and social life has become more complex, huge institutions have arisen with varied powers and influence over the daily lives of Americans.

Some of these institutions did not exist at all at the time the Bill of Rights was adopted: the modern corpora-

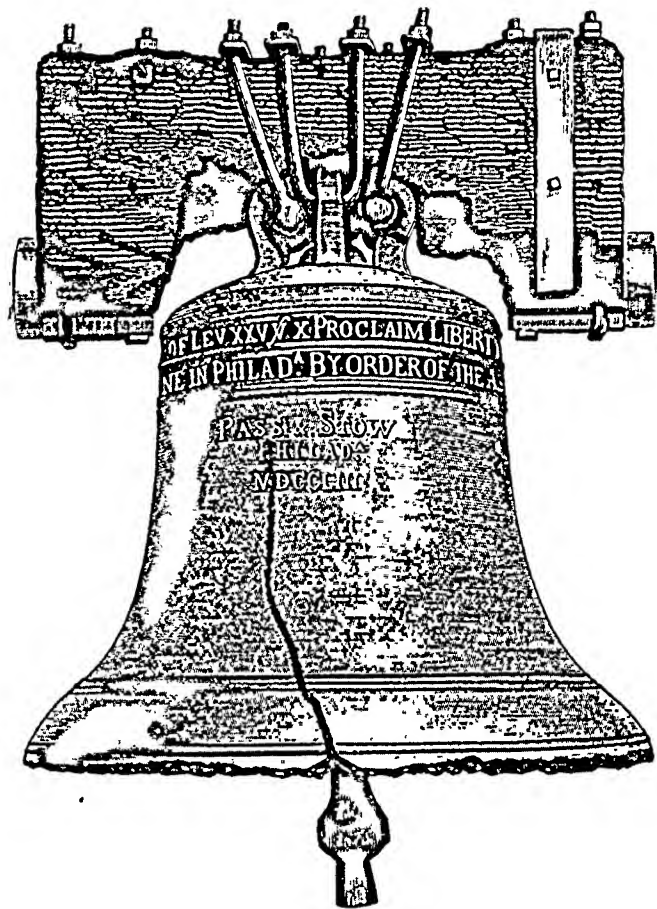
tion, the labor union, the media of mass communications, the organized political party.

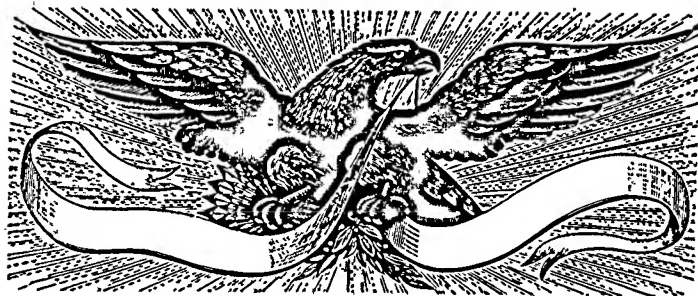
Some of these institutions have grown enormously: government, education, and the communications system.

Some are playing roles sharply different from those they played 165 years ago: e.g., the church and the voluntary organizations. Government is no longer the only institution with the power to increase or to deplete the freedom of the individual and of society.

But all these new or changed institutions have one thing in common: they have a profound effect on the individual's daily life, and on his rights and responsibilities. They create new problems of maintaining a free society; they may even force us to re-define what such a society is.

In outlining the goals of the new program, the Fund's president, Robert M. Hutchins, declared: "It would be pretentious to suppose that any pioneering venture such as the program of studies we are undertaking could offer definitive solutions to the problem of how to maintain and expand individual liberties in an industrialized and politically polarized world. But I believe that the program offers reasonable expectation that the Fund can, by concentrating upon it, make its most effective contribution to the maintenance of freedom and justice in the United States."





## HOW THE PROGRAM WILL BE CONDUCTED

The Committee of Consultants is committed to sustained discussion as the principal means of achieving clarification.

In this process the first task is to define the issues. The second step will be to obtain, through staff work or from Committee members, information necessary to the comprehension of the issues as defined. The third is examination of the data and discussion of relevant viewpoints. This process will result in published statements, representing either interim reports or the efforts of the group to clarify the issue under consideration.

The Committee will go into two main classes of issues: those resulting from the impact of new or vastly enlarged

institutions, e.g., the influence of the trade union on its members; and those resulting from the growing complexity of the national life. The latter category includes questions like those of privacy and censorship.

Four projects have been started: on the Corporation, the Union, Governmental Provisions for the Common Defense, and Religious Institutions in a Democratic Society. The purpose of these studies will be to assist the Committee, although materials prepared for the members may be published as part of the effort to encourage rational debate.

Organization and administration of the studies follow these lines:

- A. The Board of the Fund approves each project.
- B. Members of the Board serve as Liaison Directors with each project.
- C. Members of the Committee oversee each of the projects.
- D. Each project has the services of a staff member of the Fund.
- E. Each project is authorized to retain consultants or the services of outside groups with special qualifications in the subject under study. This will include spokesmen and others prominent in the affairs of the "institution" under consideration.

F. The Fund will make every effort to stimulate public discussion and debate on the findings. Outlines of the four projects approved thus far follow.

## THE CORPORATION

The debate today about the relation between the corporation and society, and between the corporation and the individual, is incessant and confused. According to one point of view, the corporation moves year after year to progressively higher plateaus, casting off outworn or irresponsible practices as it does so. Others hold that as corporations become more and more powerful, their influence becomes pervasive and perhaps dangerous.

Of special concern is the effect of the corporation on those closest to it. If civil liberty describes a proper relation between the state and the individual, should the idea of civil liberty be carried over into the life of the industrial corporation? Or does a different and perhaps more limiting concept, say a concept of corporate liberties, apply?

Answers to such questions appear to be central to a clarification of basic issues in the U.S. today, since corporations now employ three-fourths of the nation's labor force and wield considerable powers, explicit and implicit,

over other institutions as well.

This project will first seek to appraise the impact of the corporation on the political, social and economic freedom of individuals affected by it.

From the outset, the cooperation of industry will be sought, in addition to assistance from universities, educational foundations, and trade associations.

Liaison Directors: M. Albert Linton  
J. Howard Marshall

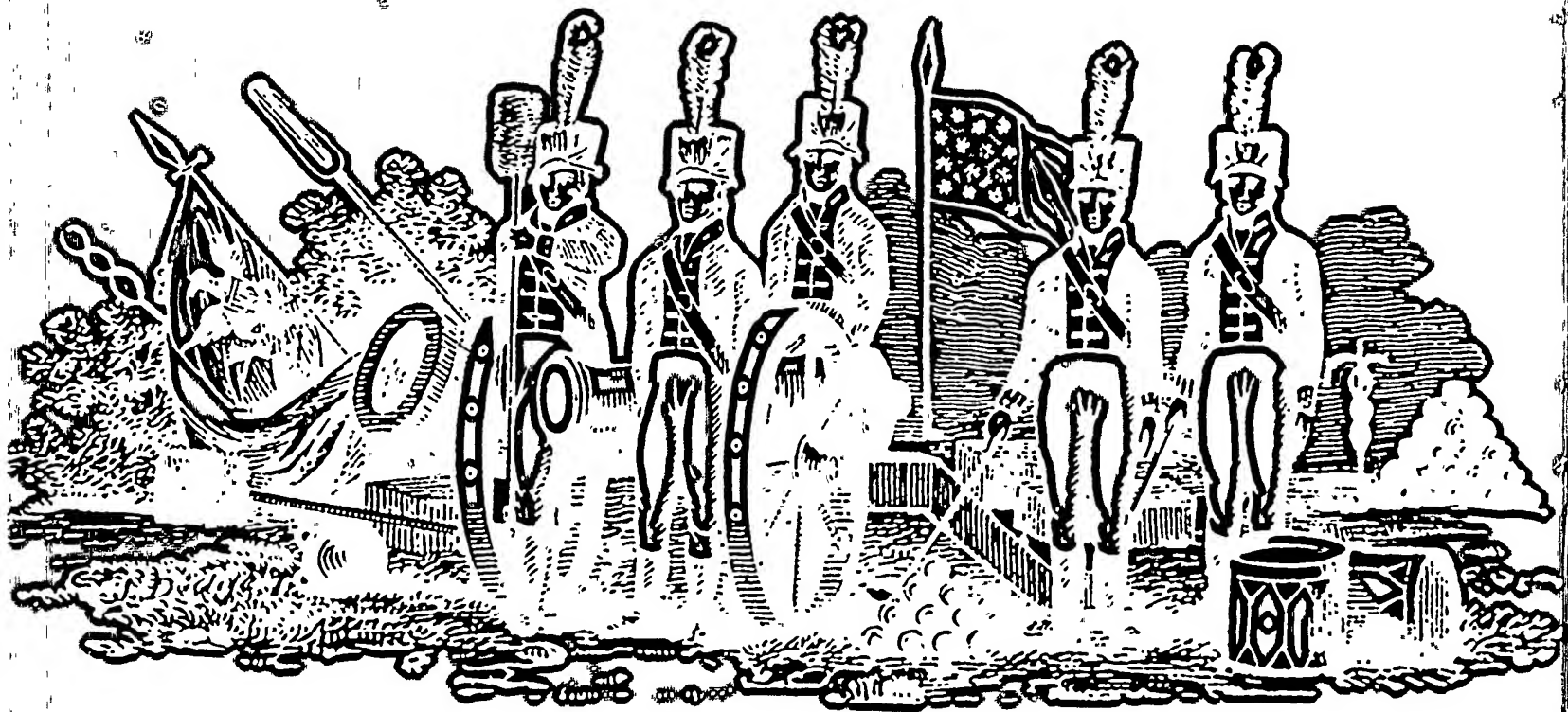
Representing the Committee: A. A. Berle, Jr.

Staff member: W. H. Ferry

## THE INDIVIDUAL AND THE TRADE UNION

American unions, following a tremendous expansion in size and power in the period 1933-1950, have exerted growing influence on the social, cultural and political lives of their members. At the same time, they have become a powerful force in areas once considered the exclusive domain of the corporation, such as employee discipline and the process of production itself.

The "new unionism" emerging in America takes an interest in foreign affairs, community relations, race



relations and other aspects of the civic rights and responsibilities of its members. This may be symptomatic of the will to power or of a new sense of obligation.

The project will examine the implications for the rights of individuals of collective bargaining practices together with such specific issues as jurisdictional strikes, national strikes affecting the public interest, restrictive work rules, and community-union clashes of interest.

Union officials, industrial relations experts, arbitrators and other authorities will contribute to the project. Close cooperation between the projects on the trade union and the corporation will be maintained.

Liaison Directors: Oscar Hammerstein, II  
Paul G. Hoffman  
Meyer Kestnbaum

Representing the Committee: Clark Kerr  
Staff member: Paul Jacobs

## THE INDIVIDUAL AND THE COMMON DEFENSE

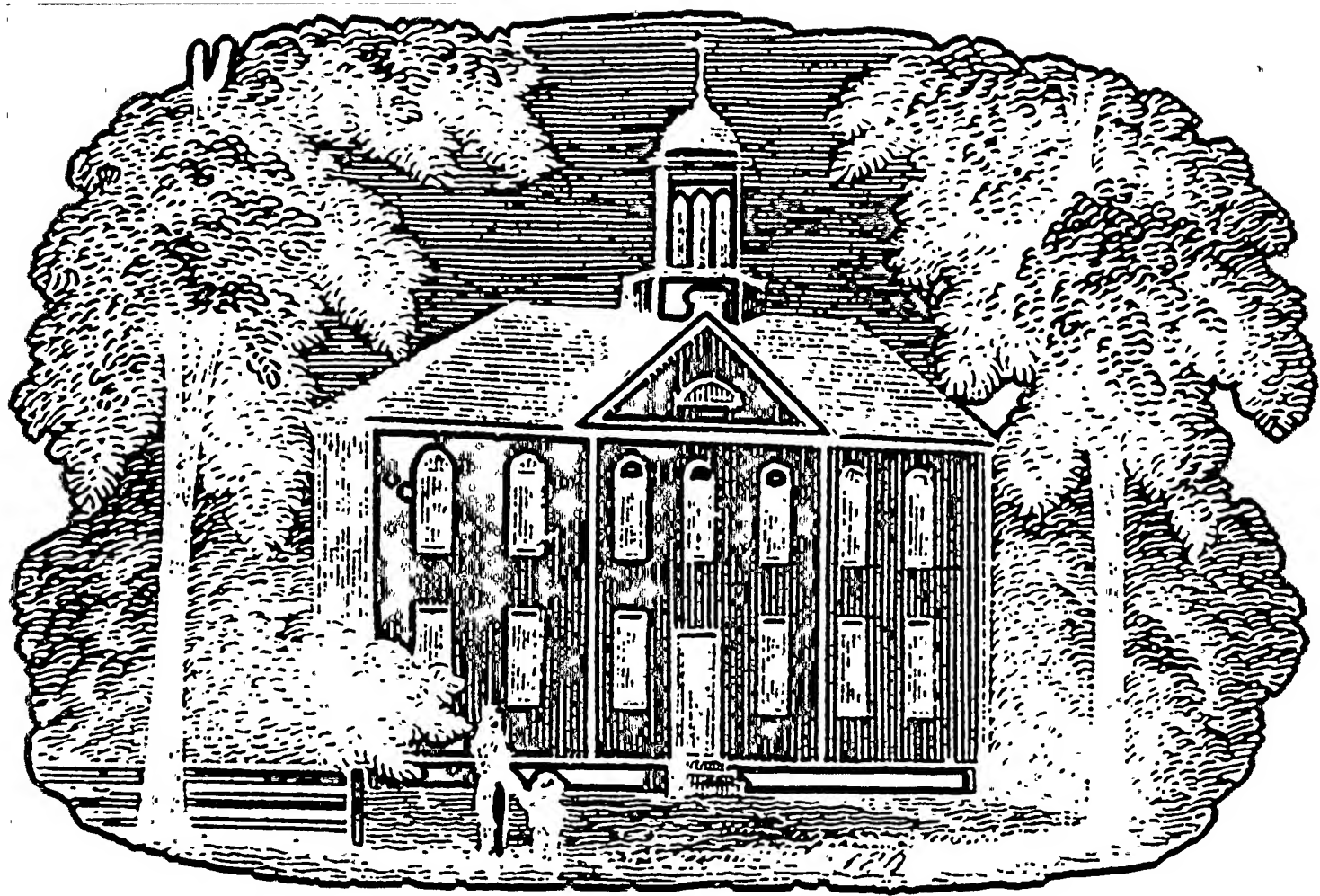
International tensions and the resultant military posture of the country have raised questions of individual freedom and civil liberty. Although the Federal Government's obligation to provide for the common defense is stated in the Constitution, the changes in government responsibility that have taken place since the 18th century have created a shifting and confusing relationship between measures of defense and concepts of freedom.

To explore the basic issues arising in this field, the project will concentrate mainly on three areas of governmental activity: military manpower policies, the suppression of sedition, and the discovery and prevention of espionage.

The project will be advanced by commissioning special studies; by consulting with qualified persons in government, law, education and science, and by convening advisory groups from time to time.

Liaison Directors: Herbert H. Lehman  
Charles W. Cole  
J. R. Parten

Representing the Committee: I. I. Rabi  
Staff member: Walter Millis



## **RELIGIOUS INSTITUTIONS IN A DEMOCRATIC SOCIETY**

This project will deal with the relationship between Church and State, the role of religion in public life, and the rights of religious dissent or non-conformity.

A study group will consider such questions as:

The role of the religious pressure group and its effect on freedom of speech, freedom to read, freedom of communications, etc.

The influence of ecclesiastical directives on legislators and blocs of voters and through them on the public law.

The use of public funds to support church-directed education, parochial activities and sectarian interests.

The question of prayers, released-time and "moral guidance" programs as well as religious celebrations in the public schools.

The project will be a joint effort engaging representatives of the three major faiths, as well as the religiously uncommitted. It will from time to time call in outside experts and leading spokesmen of the various faiths as well as representatives of the non-religious point of view. It will commission special studies and research from qualified individuals and institutions.

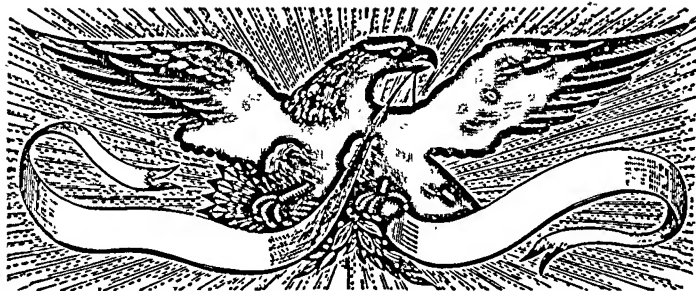
Liaison Directors: Henry Pitney Van Dusen  
Msgr. Francis J. Lally  
Eleanor B. Stevenson

Representing the Committee: Reinhold Niebuhr  
John Courtney Murray, S.J.

Staff member: John Cogley



## THE FUND'S FIRST FOUR YEARS



The purpose of the Fund for the Republic — a non-profit educational corporation — is to defend and advance the principles of the Declaration of Independence, the Constitution and its Bill of Rights.

Since its establishment in 1952, with Ford Foundation grants totalling \$15 million, the Fund has been an independent entity. It has no connection with any other foundation. The policies of the Fund are determined by its Board of Directors, who are listed at the end of this booklet.

The Fund has carried on its work in a variety of ways. It has distributed books, pamphlets, films, reprints of speeches, and other materials. It has made grants to individuals and organizations to enable them to conduct studies and programs in civil liberties. Among organizations that have received this kind of assistance are the YMCA, YWCA, Catholic Inter-racial Council of Chicago, American Bar Foundation, the Institute of Social Order of the Society of Jesus, Council for Social Action of the Congregational Christian Churches, Presbyterian Church of the United States, Columbia University, Stanford University, Southern Regional Council, Association of the Bar of the City of New York Fund, Inc., American Friends Service Committee, Vanderbilt University and the University of Virginia.

The Fund has also sponsored research projects which have been carried out by persons appointed by the foundation. Examples of such projects are: a study of academic freedom in the United States, directed by Paul Lazarsfeld of Columbia University; a study by John Cogley of blacklisting in the entertainment industry; and a study of the influence of Communism in American life, under the supervision of Clinton Rossiter of Cornell University.

As of June 30, 1957, the total expended by the Fund was approximately \$8½ million. More than a third of this has been devoted to educational work in race relations, both in the North and in the South; other considerable sums have gone into the study of domestic Communism and Communist infiltration. Much has been expended on popular education concerning the significance of the Bill of Rights. Another area of the Fund's interest has been the study of problems of due process, many of them arising out of the methods and procedures used in combating domestic Communism.

In a review of its first three years, published in 1956, the Fund said:

"The Fund conceives that in all the issues which have arisen in recent years over the liberties, the rights and the dignity of man, two matters are of first importance. One is to ascertain and make known so far as possible the relevant facts. The second is to clarify and define the issues in the public consciousness and so to make possible their rational discussion and resolution."

For the next year, the Fund will place a major emphasis on the second of these two objectives — the clarification of the basic issues.

## BOARD OF DIRECTORS

Chairman: **ELMO ROPER**  
Elmo Roper & Associates  
New York, N. Y.

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New York, N. Y.

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Editor, American Heritage Magazine  
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New York, N. Y.

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Chairman of the Board  
Provident Mutual Life Insurance Co.  
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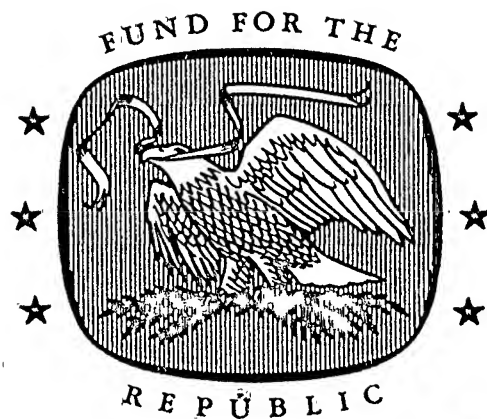
**J. HOWARD MARSHALL**  
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**JUBAL R. PARTEN**  
President, Woodley Petroleum Co.  
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Oberlin, Ohio

**HENRY PITNEY VAN DUSEN**  
President, Union Theological Seminary  
New York, N. Y.



**THE FUND FOR THE REPUBLIC, INC. 60 EAST 42 STREET, NEW YORK 17, N. Y.**

Mr. Tolson	<input checked="" type="checkbox"/>
Mr. Nichols	<input checked="" type="checkbox"/>
Mr. Boardman	<input checked="" type="checkbox"/>
Mr. Belmont	<input checked="" type="checkbox"/>
Mr. Mohr	<input checked="" type="checkbox"/>
Mr. Parsons	<input type="checkbox"/>
Mr. Rosen	<input type="checkbox"/>
Mr. Tamm	<input type="checkbox"/>
Mr. Trotter	<input checked="" type="checkbox"/>
Mr. Nease	<input checked="" type="checkbox"/>
Tele. Room	<input type="checkbox"/>
Mr. Holloman	<input checked="" type="checkbox"/>
Miss Gandy	<input checked="" type="checkbox"/>
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	<input type="checkbox"/>

FUND FOR THE REPUBLIC

10/24/57

MR. TOLSON:

Stanley Tracy came in

and dictated the attached memorandum. We should follow this matter up and attempt to identify  and by whom she is employed.

b6  
b7C

Enclosure

GAN:DMG

(2)

G. A. Nease

RECORDED-42

INDEXED-42

NOV 6 1957

ENCLOSURE

EX-123

EX-123

PER. FILE

MEMORANDUM

10/24/57

RE: FUND FOR THE REPUBLIC

A [ ] called at the Moss Subcommittee Staff of the House of Representatives (Availability of Information from Executive Departments) and stated that she was working for a man who had a grant from the Fund For The Republic. He is making a study of the Moss, Coolidge and Wright reports from a "security" angle.

b6  
b7C

This woman was particularly interested in finding out how many ex-FBI Agents were on the staff of the Commission on Government Security.

[ ] was advised by a member of the staff of the Moss Subcommittee that at least 60% of the Wright Commission were FBI Agents. [ ] talked with [ ] (whose name should be kept confidential) of the Committee on Government Operations of the House. [ ] was [ ] of the Commission on Government Security, being assigned to [ ] [ ] is one hundred per cent behind the FBI. [ ] advised me telephonically this morning that he informed [ ] that [ ] the Research Division, which analyzed all of the material studied by the Wright Commission and not a single member of the research staff was formerly employed by the FBI. [ ] expressed great surprise, stating she had been very definitely informed to the contrary. [ ] referred her to the Executive Secretary of the Commission on Government Security, [ ] who is presently employed in the Executive Offices.

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b7C  
b7D

I talked with [ ] this morning and he advised me that [ ] told him the same story she told [ ] and that he informed her that there were exactly five former FBI personnel employed, out of a total of over seventy-five. He stated that [ ] seemed surprised and that she stated she had been informed very definitely not less than 60% of the staff were ex-FBI personnel. She stated that she was a free-lance writer and that she would make her report, that she did not know how her superiors would like her report but that she did want to be factual.

100-391697-476  
ENCLOSURE

Neither [ ] nor [ ] remembered the name of the doctor for whom [ ] was working. However, they feel certain she will call them again and I specifically requested that they ascertain the name of [ ]'s employer, that they also ascertain where they can reach [ ] inasmuch as neither [ ] nor [ ] ascertained whether she had an office or whether she could be reached locally.

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b7D

In the event of a subsequent contact, [ ] and [ ] will promptly advise me.

In the event [ ] does not contact them prior to November 1, on which date I depart for a month in Florida, [ ] will call Mr. Nease and advise Mr. Nease off the record.

## Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. A. H. BELMONT

DATE: October 29, 1957

FROM : R. R. ROACH

SUBJECT: FUND FOR THE REPUBLIC (FFR)

Tolson \_\_\_\_\_  
 Nichols \_\_\_\_\_  
 Boardman \_\_\_\_\_  
 Belmont \_\_\_\_\_  
 Mohr \_\_\_\_\_  
 Parsons \_\_\_\_\_  
 Rosen \_\_\_\_\_  
 Tamm \_\_\_\_\_  
 Trotter \_\_\_\_\_  
 Nease \_\_\_\_\_  
 Tele. Room \_\_\_\_\_  
 Holloman \_\_\_\_\_  
 Gandy \_\_\_\_\_

b6  
b7C

Reference is made to the attached memorandum dated 10/24/57 which set forth information furnished by Stanley Tracy that a [redacted] was working for a man (name unknown) who had a grant from the FFR and was making a study of the Moss, Coolidge and Wright reports from a "security" angle. [redacted] made inquiries regarding the number of former FBI Agents who worked on the Wright Commission.

The following may or may not pertain to [redacted]'s work:

In May, 1957, Mr. Tracy made available information that the FFR was considering a project which would initiate work in five areas, two of which appear to coincide with [redacted] inquiries. These are:

b6  
b7C

- (1) A study of governmental secrecy and of counter-espionage activities of police and intelligence agencies from the point of view of their necessity, and their impact on individual freedom;
- (2) A review of the extensive work already in existence on the system of personnel security screening. (100-391697-464)

This study was later announced as the Common Defense Project and its purpose is to determine the impact of the Government's defense policies on individual freedoms. It is headed by Dr. Isidor Issac Rabi, and the staff member of the FFR who will assist is Walter Millis. (100-391697-475)

Summaries on Rabi and Millis may be found in Bufile 100-391697-465. A summary on [redacted] who may be identical, is attached.

b6  
b7CACTION:

None. For information.  
 ENCLOSURE  
 Enclosures

JJG:mje:nok  
 1 - Mr. Belmont  
 1 - Mr. Nease  
 1 - Section tickler  
 1 - Mr. Gaffney

7 2 NOV 15 1957

EX-132

RECORDED-42  
 INDEXED-42

23 NOV 1957

100-391697-477



~~CONFIDENTIAL~~



UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

Classification per OGA Letter dated:1/24/2012

In Reply, Please Refer to  
File No.

WASHINGTON 25, D. C.

October 30, 1957

EXEMPTED FROM AUTOMATIC  
DECLASSIFICATION  
AUTHORITY DERIVED FROM:  
FBI AUTOMATIC DECLASSIFICATION GUIDE  
EXEMPTION CODE 25X(1)  
DATE 02-08-2012

[redacted] was the subject of an  
(C) applicant-tune investigation conducted by the FBI in [redacted]  
and [redacted] at the request of [redacted] b1  
(C) [redacted] She was born [redacted], at [redacted]  
[redacted] but was a United States citizen as were her parents.  
She attended the University of Utah from 1931 to 1935 but  
lacked one course to graduate with honors. She attended  
Columbia University, New York City, from 1935 to 1936. She  
was unmarried [redacted] b6  
[redacted] b7C

Most of her employment has been in the fields of  
publicity and writing. From 1942 to 1947 she was employed  
by the War Department as a correspondent for [redacted]  
magazine which was then an official Government publication.  
In 1946 she was assigned by this magazine to cover the atomic  
bomb test at Bikini Atoll (Operation Crossroads). Following  
this assignment she shipped a package to the United States  
which contained documents, mostly classified "Restricted" or  
not classified, but one document was classified "Secret" and  
several were classified "Confidential." She was investigated  
by the Counter Intelligence Corps (CIC) for alleged security  
violations but the investigation was not complete when CIC  
files were reviewed during the FBI investigation. b6  
b7C

(C) [redacted] explained she had brought the  
documents with her from the United States for reference  
purposes and they included old training manuals on radar which  
to the best of her knowledge had been declassified. She stated  
that after investigation by CIC she was given a clean "bill of  
health." b1  
b6  
b7C

During the FBI investigation, a War Department  
official who desired his identity be kept confidential advised

100-391697-477

ENCLOSURE

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

[REDACTED]

b6  
b7C

he believed [REDACTED] was inclined to confide in her close associates details about her confidential work. This source stated he observed a letter written by [REDACTED] in Japan when she was a reporter for [REDACTED] magazine in which she described in great detail that she was doing undercover work for CIC in Japan and Asia, had been behind Russian lines in Asia, and had developed considerable valuable information for CIC.

In March, 1954, [REDACTED] was reportedly a reporter for [REDACTED] magazine.

CONFIDENTIAL

1 - Section 1  
1 - J. S. Johnson  
1 - [redacted]  
1 - Yellow file copy  
1 - J. H. Klein  
2 - Original and copy  
1 - J. J. Gahagan

SAC, New York

November 15, 1957

b6  
b7C

Director, FBI

**THE FUND FOR THE REPUBLIC  
CENTRAL RESEARCH MATTER**

An announcement in the November 4, 1957, issue of the National Guardian revealed that a 10-page publication entitled The Montgomery Story is soon to be published in "comic-book" style. It is to contain material related to the bus boycott which occurred in Montgomery, Alabama.

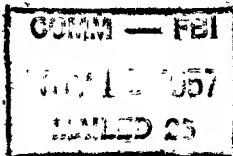
Reportedly conceived and written by the Fellowship for Reconciliation, it is to be drawn by the Al Capp organization and financed by the Fund for the Republic. The National Guardian announcement reflected that the booklet is scheduled for publication in January, 1958, with an initial printing of 250,000 copies at ten cents each. The address for ordering copies was given as Fellowship Publications, Box 271, Nyack, N. Y.

New York is directed to obtain, discreetly, six copies of The Montgomery Story when it is available. The copies should be forwarded to the Bureau, attention Central Research Section. See Serial 479 for dissemination copy. [handwritten initials]

AWG:let  
(8)

NOTE:

Memo Belmont to Boardman 11/14/57. AWG:let



Tolson \_\_\_\_\_  
Nichols \_\_\_\_\_  
Boardman \_\_\_\_\_  
Belmont \_\_\_\_\_  
Mason \_\_\_\_\_  
Mohr \_\_\_\_\_  
Parsons \_\_\_\_\_  
Rosen \_\_\_\_\_  
Tamm \_\_\_\_\_  
Nease \_\_\_\_\_  
Winterrowd \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Holloman \_\_\_\_\_  
Gandy \_\_\_\_\_

68 NOV 21 1957

RECORDED - 52

19 NOV 18 1957

EX-133

MAIL ROOM

123

# Office Memorandum • UNITED STATES GOVERNMENT

OIR 15

TO : MR. L. V. BOARDMAN *11-3-57*

DATE: November 14, 1957

FROM : MR. A. H. BELMONT *AB*SUBJECT: THE FUND FOR THE REPUBLIC  
CENTRAL RESEARCH MATTER

Tolson \_\_\_\_\_  
 Nichols \_\_\_\_\_  
 Boardman \_\_\_\_\_  
 Belmont \_\_\_\_\_  
 Mohr \_\_\_\_\_  
 Parsons \_\_\_\_\_  
 Rosen \_\_\_\_\_  
 Tamm \_\_\_\_\_  
 Trotter \_\_\_\_\_  
 Nease \_\_\_\_\_  
 Tele. Room \_\_\_\_\_  
 Holloman \_\_\_\_\_  
 Gandy \_\_\_\_\_

## The Montgomery Story

One of the latest projects to receive the Fund for the Republic's financial blessing is a booklet entitled The Montgomery Story. (National Guardian, 11/4/57, p. 11)

## "Comic Book" Format

Conceived and written by the Fellowship for Reconciliation, this booklet is to be a 16-page "comic book" publication drawn by the Al Capp organization "at cost or less." Based on the bus boycott conducted by Negroes of Montgomery, Alabama, the booklet will, reportedly, contain material on the "Montgomery Method" and the "virtues of non-violence." It is scheduled for publication in January, 1958, with an initial printing of 250,000 copies selling for ten cents each. (National Guardian, 11/4/57, p. 11)

## Typical Associations

The Fellowship of Reconciliation is a semireligious, socialist-pacifist group whose program includes opposition to military conscription, promotion of racial equality, and abolition of thermonuclear devices. The Fellowship's secretary-emeritus is, of course, A. J. Muste, a communist fronter who was a so-called "impartial observer" at the 16th National Convention of the Communist Party, USA, in February, 1957. (61-3415; 100-16922-52)

Al Capp (true name Alfred Gerald Caplin) has a record of communist front associations. Capp has relatives, including a brother, Jerome Benton Caplin, who were known Party members. (94-43760-3; 100-12854)

Enclosure *sent 11-15-57*

AWG:let

(12)

1 - Section tickler

1 - [redacted]

1 - M. A. Jones

1 - [redacted]

1 - J. H. Kleinkauf

1 - J. J. Gaffney

RECORDED - 40

INDEXED 115

1 - [redacted]

1 - Mr. Belmont

1 - Mr. Boardman

1 - Mr. Nease

1 - Mr. Mohr

20 NOV 19 1957

CENTRAL RESEARCH

60 DEC 1 1957

Memorandum to L. V. Boardman  
Re: The Fund for the Republic  
Central Research Matter

It is also noteworthy that the announcement of this new financial undertaking by the Fund for the Republic was made in the National Guardian, a publication cited by the Guide to Subversive Organizations and Publications, HCUA.

The Fund for the Republic's new venture in financing this publication illustrates again the Fund's propensity for becoming involved in activities which smack of communist influence.

*6 copies "The Montgomery Story" rec'd  
2/11/58 in CRS. 1 cc retained in CRS.  
1 cc routed [redacted] b6 b7C*

RECOMMENDATION:

- 1 cc routed [redacted] file Pub. Publications  
1 cc routed J. H. Kunkauf - file in Publications  
2 cc's filed J. H. Kunkauf - file Pub. Publications*
- (1) For the information of the Director. *1 cc routed [redacted] file Pub. Publications*
  - (2) That approval be given for enclosed letter directing New York to obtain, discreetly, and forward to Central Research Section six copies of The Montgomery Story, when available. *AmB*

DIRECTOR, FBI (100-334414)

11/15/57

SAC, PHILADELPHIA (100-39677)

CHARLES BRITTON HARRIS, was.

SM - C

RePHlet to BU, 7/24/57, enclosing a blank memo on subject dated 7/24/57.

Enclosed are the original and five copies of a self-explanatory blank memo. It is suggested the Bureau may desire to furnish this blank memo to the Passport Division, U. S. Department of State. It is further suggested the Bureau may desire to furnish this blank memo to the Central Intelligence Agency together with a copy of referenced blank memo dated 7/24/57.

The following informant was utilized in the enclosed blank memo:

Source

Location

T-1, [redacted]

Instant communication

of Pennsylvania, an established source, to SA PAUL W. NOLAN.

One additional copy of this communication and the blank memo is furnished Bureau for inclusion in the Bureau file on Ford Foundation, Information Concerning (IS - Section, BUfile 100-391697).

- 3 - Bureau (100-334414) (Encl. 6) (Registered Mail)
- 1 - 100-391697 (Ford Foundation, Info. Concerning)
- 2 - Philadelphia (100-39677)
- 1 - 100-42575 (Ford Foundation, Info. Concerning)

HBM:mmt  
(5)

100-391697-✓  
NOT RECORDED  
183 NOV 18 1957

52 NOV 25 1957

ORIGINAL COPY FILED IN 100-334414-51

Philadelphia, Pennsylvania

November 15, 1957

RE: CHARLES BRITTON HARRIS, was.  
Bill Harris, Bret Harris,  
Dr. Britton Harris.

Confidential Informant T-1, who has furnished reliable information in the past, on November 7, 1957, advised that CHARLES BRITTON HARRIS is on a leave of absence from his position as Director of the Institute of Urban Studies, an autonomous project of the University of Pennsylvania, Philadelphia, Pennsylvania. This informant explained the Institute of Urban Studies is an integral part of the University of Pennsylvania School of Fine Arts. This informant advised that Dr. HARRIS is presently in New Delhi, India, working on a project sponsored by the Ford Foundation. He advised the leave of absence covers the period from October 1, 1957, to March 31, 1958.

Mr. Belmont

11/12/57

R. R. Roach

DOCTOR ISIDOR I. RABI  
FUND FOR THE REPUBLIC

The attached article from the 11/8/57 issue of "U.S. News and World Report" page 19 reflects that Washington observers believe Doctor Isidor I. Rabi "is emerging as President Eisenhower's chief adviser on the problems of U.S. science."

This is the same Doctor Rabi who is one of the committee of ten consultants of the Fund for the Republic's Basic Issue Program, which is the Fund's study of the basic issues affecting individual freedom in the United States.

One of the projects under this program is the Common Defense Project which is headed by Doctor Rabi and has proposed to cover the following fields as they affect individual freedom:

1. The military man power system including the draft and reserve laws.
2. Measures developed to control Sedition and Subversion.
3. Techniques for controlling espionage and sabotage such as the "great enlargement" of governmental secrecy and the development of intelligence and counter intelligence agencies. (FFR running memorandum).

Pursuant to the Director's request a summary was prepared regarding Doctor Rabi on 6/19/57 and reflected that Rabi was investigated by the FBI in 1947 and 1954. The 1954 investigation reflected Rabi had associates who were allegedly communists but such association appeared to be of a professional nature and no specific information was developed which would indicate Rabi had communist sympathies. The White House was furnished a summary of information in Bureau files regarding Doctor Rabi on 12/23/53. (100-201991-10)

ACTION:

None. For information.

100-371697-  
NOT RECORDED  
126 NOV 14 1957

Enclosure 1-5

NOV 15 1957  
JFK (6)

1 - Belmont 1 - Gaffney 1 - Kahn file 116-1253  
1 - cc 100-371697 1 - Section



## Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. L. V. BOARDMAN *100-3-57*

DATE: November 27, 1957

FROM : MR. A. H. BELMONT *100-3-57*SUBJECT: THE FUND FOR THE REPUBLIC  
CENTRAL RESEARCH MATTER

Tolson \_\_\_\_\_  
 Nichols \_\_\_\_\_  
 Boardman \_\_\_\_\_  
 Belmont \_\_\_\_\_  
 Mohr \_\_\_\_\_  
 Parsons \_\_\_\_\_  
 Rosen \_\_\_\_\_  
 Tamm \_\_\_\_\_  
 Trotter \_\_\_\_\_  
 Nease \_\_\_\_\_  
 Tele. Room \_\_\_\_\_  
 Holloman \_\_\_\_\_  
 Gandy \_\_\_\_\_

The Fund for the Republic has just issued another highly critical study of Government policies. Study was prepared by Walter Millis, former board of trustees member of the Institute of Pacific Relations and bitter, unfair critic of FBI. Millis' study is typical of soft-on-communism attitude so lavishly supported by Fund for the Republic.

Freedom in the 20th Century

\* Individual Freedom and the Common Defense is the first of a series of new Fund for the Republic studies on freedom in the 20th Century. Published on November 27, 1957, the first study was written by Walter Millis, a consultant for the Fund for the Republic. From 1934 to 1943, Millis served on the board of trustees of the Institute of Pacific Relations. \* Millis, frequently, has been a bitter and unfair critic of the Bureau. In the past, for example, he has referred to the FBI as a "secret political police." (The Washington Post & Times Herald, 11/27/57, p. A-8; 100-421610-2, 4)

Government Policies Criticized

This Fund for the Republic study criticizes Government policy which has "put our relations with the Soviet Union in terms of war." Reportedly, among the items which Millis cites as "questionable policies" are:

- (1) Wartime secrecy with an elaborate apparatus for counter-espionage and for rooting out the internal seditions which might present a wartime danger
- (2) Diplomacy, basically military in character, filled with offensives, psychological warfare, and positions of strength
- (3) Compulsory military training
- (4) Industrialization grounded on a base requisite for mass mobilization.

63 DEC 26 1957

EX-131

\*Cited by the Guide to Subversive Organizations and Publications, dated 1/2/57, Committee on Un-American Activities, U. S. House of Representatives.

AWG:let

(10) 00 - Enclosure

1 - Section tickler

1 - [ ]

b6  
b7C

1 - M. A. Jones

1 - F. J. Baumgardner

1 - D. E. Moore

1 - Mr. Belmont 1 - Mr. Mohr

1 - Mr. Boardman

1 - Mr. Nease 1 - J. J. Gaffney

Memorandum to L.V. Boardman  
Re: The Fund for the Republic  
Central Research Matter

Reportedly, Millis charges that Government-imposed secrecy has hampered free scientific inquiry, restricted political liberties, and clogged technological progress. (The Washington Post & Times Herald, 11/27/57, p. A-8)

The first in this series of the new Fund for the Republic study on freedom in the 20th Century points up the oft-heard criticism that the Fund has a muddleheaded approach to the communist threat. Millis' study is typical of the soft-on-communism attitude which the Fund for the Republic supports so lavishly.

RECOMMENDATION:

(1) For the information of the Director.

(2) That approval be given for enclosed letter directing New York to obtain discreetly and forward expeditiously to Central Research Section six copies of "Individual Freedom and the Common Defense" so that the pamphlet may be reviewed and any additional pertinent information brought to the Director's attention.

*See memo in captioned matter 12/5/57 - Pamphlet was available in Crime Records and was reviewed for info of Director*  
12/5/57 CDB

*5 copies of "Individual Freedom and the Common Defense" sent in C.R.S. 12/9/57 AmB*

*W.E.S.*

*[Signature]*  
12/12

*[Signature]*

# Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. L. V. BOARDMAN

DATE: December 5, 1957

FROM : MR. A. H. BELMONT

SUBJECT: THE FUND FOR THE REPUBLIC  
CENTRAL RESEARCH MATTER

Tolson \_\_\_\_\_  
 Nichols \_\_\_\_\_  
 Boardman \_\_\_\_\_  
 Belmont \_\_\_\_\_  
 Mohr \_\_\_\_\_  
 Parsons \_\_\_\_\_  
 Rosen \_\_\_\_\_  
 Tamm \_\_\_\_\_  
 Trotter \_\_\_\_\_  
 Nease \_\_\_\_\_  
 Tele. Room \_\_\_\_\_  
 Holloman \_\_\_\_\_  
 Gandy \_\_\_\_\_

Pamphlet, Individual Freedom and the Common Defense, issued as part of project sponsored by the Fund for the Republic, is a severe criticism of Government policies and makes numerous derogatory references to the Director and the FBI. The pamphlet minimizes the threat of communism, charges excessive secrecy exists in the security program, and states that the role of secrecy, espionage, counterespionage, and intelligence in contemporary international relations is grossly overvalued.

## Details

Reference is made to my memorandum dated November 27, 1957, which reflected that the Fund for the Republic had issued a pamphlet written by Walter Millis, a severe critic of the FBI and consultant of the Fund for the Republic. The pamphlet is entitled Individual Freedom and the Common Defense. Since information available about the pamphlet indicated it was done in a style which seemed to typify the muddleheaded approach to the communist threat so prevalent in projects sponsored by the Fund for the Republic, it was indicated in the referenced memorandum that the pamphlet would be obtained and reviewed in entirety. This has been done and the following pertinent points noted.

## Criticism of Government Policies

Basically, the pamphlet constitutes a severe criticism of Government policies relating to universal military training, Government action against sedition, elaborate measures taken to preserve Government secrets, and police and intelligence systems used to detect and prevent espionage and treason.

## Derogatory References to Director and FBI

The author makes numerous derogatory references to, and innuendoes aimed at, the FBI (pp. 36, 37, 47, 57, 58, 70, 73, 74, 76). He specifically mentions the Director on two occasions commenting in one:

LLW:rrw  
(10)

- 1 - Section tickler Boardman 12/9/57  
 1 - [redacted] CDB/ect  
 1 - M. A. Jones FSO

- INDEXED - 45  
 1 - F. J. Baumgardner  
 1 - D. E. Moore  
 1 - Mr. Belmont

- CENTRAL RESEARCH  
 1 - Mr. Boardman  
 1 - Mr. Nease b6  
 1 - Mr. Mohr b7C

57 DEC 26 1957

UNRECORDED COPY FILED IN 100-341697-481

Memo. to Mr. L. V. Boardman  
Re: The Fund for the Republic  
Central Research Matter

"... Many believe that J. Edgar Hoover occupies a position of power and influence in the community inappropriate, in a free society, to the head of a secret police agency...." (pp. 73, 74)

Speaking of the Jencks\* case, Millis states:

"... Only the obsessive overvaluation of secrecy, espionage, and counterespionage in the protection of the modern state could explain the immediate campaign that arose against the decision.... J. Edgar Hoover intimated that dozens of cases against spies and subversives would have to be cancelled as a result of the decision...." (p. 70)

Typical of the book's deprecating remarks about the FBI are its references to the Bureau's "paid informers" and to the previously mentioned Jencks decision: (p. 36)

"... the decision amounted to a finding that the FBI's appeals to the vital requirements of national security in order to protect the secrecy of its files and its informer system were at best somewhat exaggerated." (p. 58)

#### Soft-Pedals Threat of Communism

This pamphlet minimizes the communist threat claiming it is grossly exaggerated, stating, for example, that

"... There is no question that this danger has been enormously exaggerated in the public mind by many forces.... these fears have received powerful reinforcement and exploitation... from the tendency of the security officers and secret police to magnify their accomplishments and justify their function in society..." (p. 44)

#### Excessive Secrecy in Government Security

According to Millis, the present system of governmental secrecy has had adverse effects upon the individual and upon political freedom in this country. He claims that it has hampered free scientific inquiry, has had important personal and social consequences, is the foundation of the current system of government by "leaks," and is the parent of the secret police and intelligence operations.

\*The decision handed down by the Supreme Court, June 3, 1957, on the Jencks case required the Government to produce for defense examination statements made by Government witnesses.

Memo to Mr. L. V. Boardman  
Re: The Fund for the Republic  
Central Research Matter

Espionage, Counterespionage and Intelligence "Grossly Overvalued"

One of his most bitter attacks is on what he terms the "widely misunderstood and grossly overvalued" role of secrecy, espionage, counterespionage, and intelligence in contemporary international relations. He belittles the role of an espionage agent by saying "the spy is probably the least significant of all figures involved in the great modern apparatus of intelligence, counterintelligence, and secrecy." (p. 74) On counterintelligence, he suggests that it "consumes a disproportionate amount of the time and energies of all intelligence systems." (p. 76) He comes to the conclusion that the "content of espionage is a relatively trivial factor in security operations." (pp. 76, 77)

RECOMMENDATION:

For the information of the Director.

ADDENDUM LLW:rrw 12/5/57

A copy of this pamphlet, Individual Freedom and the Common Defense, is enclosed.

*over*  
*JB*  
*Q* *from*  
what do  
files show  
on water  
mills?  
*yes*  
yes I would like  
to know.  
*BD*  
12/6

**Individual  
Freedom  
and the  
Common  
Defense**

**WALTER MILLIS**

**The Fund for the Republic**

**60 EAST 42 STREET, NEW YORK 17, N. Y.**

100-391697-481

## Central Committee of Consultants

---

**A. A. BERLE, JR.**

Attorney, author, former Assistant Secretary of State

**SCOTT BUCHANAN**

Philosopher, author, former Dean of St. John's College

**EUGENE BURDICK**

Political scientist, University of California; novelist

**ERIC F. GOLDMAN**

Professor of history, Princeton; Bancroft Prize winner

**CLARK KERR**

Chancellor, University of California at Berkeley;  
labor economist

**HENRY R. LUCE**

Editor and publisher, Time, Life, Fortune

**JOHN COURTNEY MURRAY, S.J.**

Theologian, Woodstock College;  
editor of Theological Studies

**REINHOLD NIEBUHR**

Vice-president and graduate professor,  
Union Theological Seminary

**ISIDOR I. RABI**

Nobel Prize physicist;  
Chairman, General Advisory Committee,  
Atomic Energy Commission

**ROBERT REDFIELD**

Professor of anthropology, University of Chicago;  
former president, American Anthropological Association

**ROBERT M. HUTCHINS**

President of the Fund for the Republic,  
serves as Chairman of the Committee

# PREFACE

The Soviet success in placing artificial earth satellites in orbit gives an added pertinence to the following monograph. This powerful feat of Russian science and technology has produced a crisis in nearly all aspects of American defense policy and defense planning quite comparable to that produced in September 1949 by the Russians' equally surprising achievement of an atomic explosion, long before most in this country believed that it would be possible for them to do so.

While this paper approaches the problem of the common defense from the point of view of individual freedom, this has necessitated a consideration not only of the justice but of the efficacy of and necessity for the broad policies which we have been following in providing for the defense of the American community. It is these policies which have been dramatically called in question by the launching of the sputniks and the accompanying events; and a calm discussion and clarification of many of the issues here presented should materially assist in the revisions of national policy which, it now seems, are imperative.

The sputnik announced, much as did the first Soviet atomic explosion, a long-range shift in the balances of military and political power to which our own policies will be compelled to adjust. The crisis with which it has presented us does not arise from any immediate threat of the missile-borne, megaton war; it will be some time before the Soviet Union can translate its technical successes into a usable weapons system with the necessary stocks of weapons and carriers, and presumably by that time the United States will have matched the Soviet achievements. The real crisis is one of current policy. Khrushchev has not in fact threatened us with inter-



continental missile war. Rather, he has utilized Russia's scientific and technical triumph to appropriate the American policy, announced by John Foster Dulles in 1954, of maintaining "a capacity for massive retaliation at times and places of our own choosing." Presumably, Khrushchev has no more intention of ever using the "capacity" than did Secretary Dulles; the point is that the policy in the hands of Khrushchev, when backed by the potential means to make it good, eviscerates the same policy in the hands of Dulles. One can accomplish nothing by merely threatening "massive retaliation" on one's own terms against an opponent who can make the same threat in even more massive form and with a wider range of choice as to time and place. We can and doubtless will step up our own threat to match that now at Khrushchev's disposal; this should maintain the existing stalemate, but will not resolve the power problem beneath it.

We have suffered a diplomatic and psychological defeat in the cold war so severe as to call in question the whole cold war strategy which we have been following. Since the first Soviet atomic explosion in 1949 we have been operating on the assumption that it is essentially a war in which we are engaged with the Soviet Union. We have required the compulsory (or quasi-compulsory) military training of all our young men, mostly in the arts of conventional ground combat. We have maintained the industrial base requisite for a conventional, World War II-type mass mobilization. We have imposed a rigid wartime secrecy upon all our military and much of our technical planning and development; we have fortified this with an elaborate apparatus for counter-espionage and for rooting out the internal seditions which in time of war might present a military danger to the state. Our diplomacy, while always clothed in the moralistic phrase, has been basically military in character—filled with "offensives," "psychological warfare," "positions of strength," "flank attacks," the "deployment" of our economic power, and so on.

The Sputnik has called this whole attitude into question. Neither the practical measures taken in the interests of the

common defense nor the foreign policies based upon them have succeeded in "winning" the cold war; indeed, we are ourselves very largely the architects of Khrushchev's triumph, since, if we had not so insistently put our relations with the Soviet Union in the terms of war, the psychological impact of the Russian feat would have been far less. We now have to revise our military and our foreign policies. The military problems presented by the Russian advance in rocketry are quite obviously not to be solved by half-training all young Americans to become the raw material for infantry divisions. The cry is suddenly for manpower policies which will produce, not conventional soldiers however good, but men trained to the scientific and technical skills requisite for progress in missile warfare. It is rather suddenly discovered by responsible officials, many in the armed services themselves, that our excessive preoccupation with secrecy and "security" is an important reason for the relative backwardness of our missile program. Our pursuit of sedition at home has encouraged Russian successes with the "uncommitted nations." And the inutility of our intense concentration on military secrecy and counter-espionage is serenely announced by the sputnik's twinkle in our skies at dawn and dusk.

The sputnik demonstrates, what was already becoming increasingly apparent, that many of our policies adopted in the name of the common defense demand modification. The monograph which follows discusses some of the lines along which these policies may be re-examined and some of the ways in which modification seems desirable.

# INTRODUCTION

In painting the panorama of the free society under modern conditions, those sections of the grand design concerned with the common defense cannot be neglected. To the authors of the Constitution the first responsibility of the free, popular government they were erecting was to provide adequately for its own defense, alike against military attack from abroad and against violent sedition from within. The new Federal government was empowered to raise and maintain standing armies and to regulate the state militias; it was also specifically required to guarantee to the several states "a Republican form of government."

These responsibilities, recognized as paramount in 1789, remain paramount today. As the government could not then constitutionally permit the establishment of a state monarchy, it could not now permit the capture of a state by a Communist dictatorship. Now as then one basic proposition seems beyond dispute. It is the proposition that the government of a free, pluralistic society must possess and exercise those powers — alike over its individual citizens and its constituent state and local governments and autonomous organizations — which are requisite to the preservation of the society from either military subjugation or internal violence and destruction. A major part of the price of liberty is represented by the costs, moral and political as well as economic, of its own protection.

Here there is no significant issue. It is only when one asks what powers, what restraints, what impositions are in fact essential to the safety or "security" of the free society that the problems arise. Defense by its nature must be "common," and as with all other great communal enterprises, while it may enhance the true freedoms of the individual in some ways, it must restrict them in others. There is the same fundamental

and familiar conflict between individual liberty and organized defense that one finds in other areas of social organization—as, for example, in the trade union, where the individual pays for his freedom to enhance his economic position through collective bargaining by a surrender of his freedom to take any job that offers under any conditions that may satisfy him. In other areas of our institutional life these conflicts between the demands of individual liberty and political liberty have usually been resolved, in practice, by confining the demands of organization within those limits strictly necessary to the achievement of the common purpose. The same has been generally true in respect to the problems of the common defense.

From the beginning of our government it has been recognized that while the true requirements of defense are absolute and must be met, this does not authorize any or every demand which the government may make in the name of defense. If the free society is to remain a free society, it must set limits upon what its government can ask of it for defense, otherwise security will, as has happened in the totalitarian states, swallow liberty altogether. No doubt, freedom may be an expendable quantity, and if our society were ever faced with an inescapable choice between the survival of the society and the surrender of its freedoms, it would presumably elect for the garrison state and totalitarian governance. But there is no reason to believe that anything like that hard choice as yet confronts us. It is still possible to provide adequately for the common defense while retaining the essentials of a free society; indeed, its freedoms are often a powerful contribution to its capacity for self-defense. We are not required to accept every claim which government may make over our lives and liberties in the name of the national security. It is still appropriate, and necessary, to establish limits beyond which government, in discharge of its duty to provide for the common defense, may not go. The real problem is to determine where those limits should lie.

This is an old problem. It was an old problem even in 1789. Indeed, much of the political history out of which our very concepts of free, popular government arose revolved around it;

the great constitutional struggles of the Sixteenth and Seventeenth Centuries turned largely upon the claims which the sovereign might assert in the name of the national security; and the experience which the authors of the American Constitution brought to their task was deeply permeated by the memory of these issues. Disputes over the sovereign's right to raise and maintain standing armies, to exact "ship money" in support of his fleets, to suppress dangerous and seditious utterance, to jail "enemies of the state" without trial or himself to direct the outcome of trials for treason and sedition, to utilize the self-incriminatory oath for the exposure of subversive faiths and evil beliefs and to punish men for the convictions thus revealed—these great issues, all involving the prerogative derived by the Crown from its duty to provide for the common defense, stoked the fires in which the principles of the Constitution, and in particular of its Bill of Rights, were forged.

The Constitution may be regarded as in large measure an embodiment of the solution which its authors found for the problem of defining the limits beyond which government could not go, in a free society, in its provision for the common defense. The Eighteenth Century statesmen entertained a universal dread of "large standing armies" as "ever a menace to the liberties of the people"; numerous provisions of the Constitution were directed toward limiting or controlling the development of such forces, while the Second Amendment (guaranteeing the right of the people to bear arms) was intended, in part at least, as a check upon such Federal standing armies as might have to be created. The Third Amendment's now quaint prohibitions against the quartering of troops in houses reflect the concern of the times over possible military domination of the free society. The First and the Fourth through Seventh Amendments all represent limitations upon the power of the central government to utilize, in defense of the state, those methods of suppression and thought-control which are most appropriate—if not, indeed, unavoidable—in any defense against sedition, traitorous conspiracy, and dangerous belief. In endeavoring to prohibit resort to these methods, the authors of the Constitution

had reached a double conclusion: that the methods were incompatible with liberty and justice in a free society, and that there was no visible seditious peril to the state so great as to warrant its defenders in resorting to them.

But if the Constitution represents the late Eighteenth Century's solution for the problem of defense in a free society, the solution itself was to receive a serious challenge within ten years. The language of the First Amendment is absolute: "Congress shall make no law . . . abridging the freedom of speech or of the press." Yet in the Sedition Act of 1798 Congress made just such a law. While to Jefferson it was "palpably unconstitutional," to his Federalist opponents it was no less palpably demanded by the overriding requirements of defense against the seditions and subversions fomented by the French Revolution. The theoretical issue has never been resolved. The popular verdict, which returned Jefferson to the Presidency and thus enabled him to allow the act to lapse, was unmistakable: there was no real peril from sedition in 1800; the true requirements of defense at that time did not compel this invasion of the First Amendment, and there was no more need for the Sedition Act than for the large Federal army which had been projected at the same time but which was never brought into existence. But this did not answer the question of what would have been done had the perils of sedition been generally considered both real and urgent.

The true, and unresolved, issue was not whether the Sedition Act transgressed the text of the First Amendment. It was whether the requirements of defense authorized a modification of the meaning of the text. This is the issue with which the courts have since been struggling in their varying interpretations of the free speech clause. Alexander Meiklejohn or Mr. Justice Douglas may still take the absolutist position that the First Amendment means what it says: Congress shall make "no" law abridging free speech. The court majorities, on the other hand, have been endeavoring to construct standards which will measure that degree of danger from untrammelled speech which will "justify such invasion of free speech as is necessary

to avoid the danger." All the varying doctrines in effect admit that absolute freedom of speech must be invaded. The question is how far it may be, under any given conditions.

The issues surrounding the defense of a free society were thus present in the late Eighteenth Century. They were not then resolved. The issues were to recur in every subsequent national crisis. Generally speaking, they have been answered from time to time on a pragmatic basis. The limitations which the Constitutional texts sought to draw around the claims of defense have been influential, but seldom seem to have been controlling. As with the Supreme Court's wrestles with the First Amendment, the real tests have been whether this or that claim to governmental power, advanced in the name of the common defense, has gone beyond the minimum strictly necessary to the achievement of the admittedly vital common purpose. In the process, both the "war power" and the power to protect the state against sedition have undergone enlargement, but the basic issues have remained. They are with us today in an acutely aggravated form.

The polarization of the international world; the vast increase in the complexity (and therefore the vulnerability) of our own society; the massive increase in Soviet military power and the existence of international communism as a dedicated political faith of conspiratorial and seditious character; the appalling power of the nuclear weapon systems; the increased importance of military considerations and the military factor in our normal processes of budget-making, politics and social development; the general acceptance of the idea that the common defense is no longer a matter of responding bravely to some unpredictable future "emergency" but has become a continuing burden and responsibility to be borne year in and year out—all these have created a situation which could hardly have been imagined by the Eighteenth Century statesmen and to which their solutions for the problem of the common defense seem only imperfectly to apply.

This new situation has brought with it many social, political, economic, and juridical consequences, of which only a

few can be considered here. The economic effects of the great defense budgets of recent years have, for example, affected both the structure of our society and the course of many individual lives; but these are outside the scope of the present study. It is here sought to examine only the more direct impact of defense and defense measures on the traditional concepts of individual freedom and civil liberty.

One may distinguish three broad areas in which the real or supposed requirements of defense in the modern era have either seemed at variance with the spirit of the Constitution or have imposed conditions upon freedom which to the authors of that document would have been intolerable. These areas concern: (1) obligatory military service and other features of the present system of military manpower utilization; (2) the many recent measures directed toward the control or extirpation of sedition and subversive belief; (3) the increasingly stringent measures directed toward the control of espionage, the protection of governmental secrets, the gathering of intelligence, and the development of counter-intelligence operations. In each of these areas government, acting in the discharge of its duty to provide for the common defense, has deeply affected individual lives, liberties, and careers for good or ill. One may fairly examine its operations in each area with three basic questions in mind: Have the measures adopted represented true and *necessary* requirements of the national defense; have they been *effective* in achieving the purposes which justify their claim over the lives and energies of those affected; have they been as *just*, as fair and non-discriminatory as possible, and as much as possible in accordance with the basic principles of a society of free men? If they have transgressed at any of these points, they have damaged rather than defended freedom; if they have transgressed at none they represent the price which freedom must pay for its own survival.



# THE UNIVERSAL OBLIGATION

"Selective service," at best a euphemism for general military conscription in time of war, was adopted by the United States in 1917. It first appeared in peacetime in 1940 (over a year before Pearl Harbor), but it was accepted then only as a preparatory and presumably temporary war measure; and with the victory and demobilization in 1945 its draft calls sank to negligible proportions. It was not until the Korean crisis that the United States adopted universal and obligatory military service as an established principle of peacetime American life.

The Universal Military Training and Service Act of 1951 laid a "military obligation" on all qualified males between the ages of 18½ and 26. It required all to serve through a period of eight years in either the active or the reserve forces, subject to the draft in time of peace and (after passing from active duty into the reserve) to recall in time of war. Though disguised, this was in effect universal, peacetime conscription, something never known before in the United States and something which was to have many complicated implications. The expectation was that all men physically qualified would, at some time after reaching the age of 18½, serve two or more years in the active forces, either as volunteers (who provide the Navy and Air Force with their personnel) or as draftees, who still make up the bulk of the Army's ranks. Any who did not volunteer for the three-year, four-year or longer "hitches" offered by the various services would be subject to two years of draft duty. While the larger part of those on active duty would actually be volunteers, the compulsion of the draft would remain as a major stimulus to the volunteering.

On the completion of their active duty all of them, whether two-year draftees or three-year or longer volunteers, would pass into the reserve for the rest of their eight years, during which they would be subject to call. The 1951 act did not, however, require anything more of them; if they wished, they could join the National Guard or a "drilling" reserve unit to continue part-time training, but they were not compelled to do so, and not many did. The act thus failed to create an effective or in any sense "ready" reserve. It did, however, have two useful results: it ensured the supply of manpower required both by the Korean "police operation" and the accompanying massive expansion of the peacetime military establishment; and it ensured that everyone of military age would do two years or more of active duty, thus equalizing the burden and making possible the compulsion of some in rough justice to all.

## THE OFFICER RESERVE

The universal military obligation helped to supply the need for reserve officers. Reserve officers fulfill a number of functions. Serving on "extended active duty" they perform specialist tasks for which regulars would be unnecessary or unsuitable; during the two or three years of active duty to which they are committed on receiving their reserve commissions they fill up the lowest officer ranks, obviating the necessity of appointing large numbers of junior professional officers for whom there would be no place as they advanced to higher ranks; from the best of them, at the same time, the services seek to recruit career officers. The major function of the reserve officers, however, is to supply the command cadre required in case of a major mobilization. Normally, reserve officers are provided either by promotion from the ranks or, in much greater number, from the Reserve Officers Training Corps (ROTC) programs instituted in most colleges.

The universal military obligation gave a powerful stimulus to the ROTC courses. If one had to render active military service in any event, the option of doing so as a commissioned officer rather than a drafted enlisted man was attractive to the student; and the courses, at the same time offered advantages to many, especially the smaller, colleges. The courses vary rather widely as between the services. The Navy, under one of its plans, pays the cost of the student's tuition, and requires only summer training from him. Other programs are not so directly subsidized; in general, they require the student to complete a four-year course in "military science" along with his regular academic work, and to undertake to serve thereafter for two or three years on active duty, with, however, the pay and status of a commissioned officer, offering considerably more amenities than a two-year term as a draftee and probably greater opportunities for advancement in the civilian world thereafter.

It is said that some of the smaller and poorer colleges virtually live on their ROTC programs. They bring in students, especially from the less prosperous rural communities, who see

in them an opportunity for advancement they might not otherwise have; this swells tuition fees, even if there is no direct subsidy, while the government provides the necessary additional teaching staff without cost. The ROTC system is now a widely established feature of American higher education. As such, it raises a number of questions.

The courses vary widely in quality and in their influence on the educational structure. In some institutions they are simply superposed on the normal academic requirements; in others, they may consume as much as a quarter of the student's academic time. There is considerable doubt as to even the military value of much of the military teaching thus substituted for civilian education; there is even more doubt as to its broader intellectual utility. A few of the eastern colleges, led by Princeton, which has long taken an enlightened interest in military affairs, have tried to introduce into the "military science" department courses in such subjects as military history which are taught by the civilian faculty and offered for credit toward the regular academic degree. But the military authorities have been resistant to such efforts to combine military and academic education. They want uniformity throughout the whole ROTC system; they believe that professional officers, not professional teachers, are required to teach officers; they believe that the purpose of the ROTC teaching should be to indoctrinate and inspire rather than to inculcate that capacity for critical understanding which is the presumed object of a civilian educational system. The educational value of the ROTC system is further compromised by the fact that the services find themselves struggling against a great shortage of officers competent to staff the courses.

The products of the system often prove disappointing. Too many students accept the ROTC requirements as "gut courses," without value or interest to them; despite the "indoctrinations" the ROTC graduates often emerge with little feeling for the military service, anxious only to get their duty over with and likely only to "infect" the younger professional officers with their own attitudes.

Such considerations raise a question as to whether the ROTC system is not only a waste of the individual's time and talents but also an unduly inefficient means of producing the kind of trained and dedicated officer corps which the common defense would seem to require—in which case it would also be a waste of the nation's time and money. Like all other forms of military service, the reserve officer's active duty period represents a burdensome interruption in his professional training, one so burdensome that the intended professional education may never be resumed. How many potential scientists, mathematicians, experts in the many disciplines now vital to the national security, may be lost to the nation in this way there is no way of knowing; but the manpower system has been compelled to give the factor at least some consideration.

All medical students and a relatively few specializing in other disciplines are normally deferred until they have completed their post-graduate training and internships; they are then called to active duty in capacities which will utilize their professional skills. The defense thus acquires a supply of needed specialists, while military duty imposes little or no retardation of their civilian careers. It may often help to advance them. But most college seniors must face, as they approach graduation, two or three or more years of military service—of almost no value to them and, there is increasing reason to believe, of hardly more value to the national defense—before they can resume their professional training or begin to establish themselves in other pursuits.

## THE RANK AND FILE

The military obligation has thus introduced significant distortions into the processes of American higher education. They are often severely restrictive of individual liberty; it is not clear that they have made any countervailing contribution to political liberty—which is to say to the common good or, in this case, to the common defense. As to the justice and efficacy of the uni-

versal obligation as a whole, the answers are less obvious. In the first place, it has made several striking contributions to individual freedom. Universal and compulsory military service provided both the mechanism and in large degree the rationale for one of the major advances in individual freedom in recent years—the advance of the Negro minority toward equality under the law. The desegregation of the armed forces was probably the one most influential single step toward the increasing recognition of the Negro citizen's right to full status as a human being. The rationale was plain: if he could be compelled, as a citizen, to face death on the battlefield, he could not be denied the rights of the citizenship which he was defending. And the example was persuasive: the relative ease with which Negro and white soldiers and sailors were commingled in close quarters or Negroes raised to command positions over whites was an object lesson which not even the South could wholly disregard.

The universal obligation has contributed to individual freedom by opening opportunities to many individuals for self-development, training, and advancement. It must not be forgotten that military service in peacetime, with its chances of foreign stations, new contacts, new interests, can widen a young man's horizons as well as limit them. Military service offers extensive opportunities for training in civilian skills. The services themselves are always lamenting the way in which a man will enlist, spend most of his three- or four-year "hitch" acquiring training as a mechanic, an expert in electronics or other technologies, and then, just as he is becoming of value to the military system, depart for the lucrative jobs which such skills command in civil life.

Unfortunately, those who find these opportunities in military service are doubtless overbalanced by those for whom it is, in peacetime, only a stultifying routine, with little visible meaning. And while all the services make an earnest effort to fit their men into capacities where they will be of most value—to the services and to themselves—there are not enough interesting "slots" to go around; someone must do the hard and dirty

and occasionally dangerous jobs, and the benefits and the burdens are in the end distributed with a pretty rough justice.

One other consequence of the system for individual freedom may here be briefly noted: in effect, it results in screening nearly all physically qualified young American males for "security"—which in practice mainly means screening them for Communist opinions and associations. Those in the ROTC must, as prospective officers, be screened when they enter the senior course. This not only helps to induce caution and conservatism in them; it also brings the security officers to their civilian teachers as the readiest source of information on their opinions and attitudes. This tends to make the teachers cautious in turn, and must at least affect the confidence which should exist in the student-teacher relationship. Those not in the ROTC will undergo screening of a perfunctory sort on enlistment or induction, but, for all, dossiers are established; the peril of being caught later in some misrepresentation or falsification on their Personnel Security Questionnaires or "PSQ's" will hang over their heads for years. But this is only a small part of a personnel security system which now covers millions of others; and it is doubtful whether its specifically military aspects are of much independent significance.

In one way, the universal military obligation did introduce glaring injustice into the personnel security system. The government would draft a man; it would then use its draft power to compel him to reveal under oath any past subversive beliefs or associations; if he did so (or if it was later discovered that he had concealed any) it would put him on menial duties, deny him the usual opportunities for promotion, and separate him from the service at the end of his term with less than an honorable discharge even if his conduct had been exemplary. This amounted to using the power of compulsion as an instrument for detecting subversive associations and then using the two-year service term as a kind of jail sentence for punishing this (non-criminal) prior activity. The government's power to draft a man in the first place rested only on the assumption that his military service was necessary to the national defense. If he

was so much of a risk to the national security that it could not fully use his skills and must deny him equal treatment with his fellows, then it seemed that he should not have been drafted at all or, when the circumstances were discovered, he should have been released from servitude. But the Secretary of Defense opposed this with the argument that it would make it too easy for anyone to escape the draft simply by claiming to have been a Communist. More than ever this made the draft appear, not as a means of securing required military service, but as an instrument for punishing subversives. The position was so untenable from the point of view either of defense or of internal security that it has been greatly modified in subsequent regulations and the issue is probably not now of major significance to freedom.

## THE RESERVE ACT OF 1955

Despite the imperfections noted, the manpower system established under the Universal Military Training and Service Act of 1951 represented a reasonably successful combination of individual with political freedom under the conditions of 1951, when the demands both of the Korean War and the accompanying partial mobilization required the services of virtually all physically qualified young men. Even at the time, however, the act seemed unsatisfactory as the embodiment of a permanent peacetime military policy. During 1953 and 1954 the Eisenhower Administration and the Congress spent a great deal of time and effort in working out a revision of the manpower system. The chief objection to the 1951 act lay in its failure to deal adequately with the reserve problem. The Korean crisis had necessitated calling back to active duty a large number of World War II veterans, who were virtually the only source of trained manpower. Many of the veterans and the nation generally felt acutely the injustice of this form of "double jeopardy." So far as Korea went, there was no help for it; but it was believed that a permanent peacetime military



system should generate its own trained reserves, so that in the event of another "emergency" veterans of a previous war would not have to be used. The first aim of the proposed revision was to create a "drilling," mobilizable reserve into which all (with the exception of some specialists essential for civilian war industry) would pass on the completion of their active duty.

But by this time the conditions of 1951 were beginning to change; already the problem of both providing the requisite military manpower and equitably distributing the burdens of military service ran deeper than the mere creation of a drilling and genuinely "ready" reserve. With the end of the fighting in Korea, the chance that active duty would also involve *combat* duty fell rapidly toward zero; the chance that those serving in National Guard or other ready reserve formations would be called to active duty dwindled likewise. The pressures of economy were beginning to reduce the numbers of the active forces; the development of the new weapons systems was at least threatening drastic changes in the need for military manpower and the nature of reserve requirements. All these factors tended to complicate the problem of equitably distributing a military obligation which Congress had declared to be universal.

It was considered impossible to maintain the active, or regular, forces at the levels thought necessary without the compulsion of the draft, which was at that time renewed for another four years. But even at the 1955 levels, there were not enough places in the active forces to absorb all the young men coming of military age. The projections indicated that over the next few years some two or three hundred thousand more men would enter the "manpower pool" each year than would be withdrawn from it by all forms of military service. The result would be a rising mass of men who could not be enlisted or drafted because there was no place for them, and who in the result would escape military service altogether. If the draft ceased to be the certain fate of the non-volunteer, volunteering would probably collapse. Theoretically, any such decline in volunteering could be made good by expanding the draft calls, but the result would be less desirable personnel brought in on

less desirable terms. And meanwhile, the basic difficulty would remain. The country would still be imposing compulsory service on only a part of those eligible, while hundreds of thousands of others, for whom the military establishment had no place, would be going free. No compulsory system which is not universal and non-discriminatory in its impact can long survive in a free society. The Reserve Act of 1955, which was originally a part of the act renewing the draft and, like the latter, was to run for four years only, was in large measure an attempt to solve this problem.

One form of reserve service, the National Guard, had already been used to keep down the ominously-rising "manpower pool." A youth who, before reaching draft age, enlisted in the National Guard would be deferred from the draft so long as his Guard service continued to be satisfactory. This meant that in return for release from two or more years of active duty, he would engage himself to take two weeks of summer training and up to forty-eight evening drill periods a year throughout his eight-year military obligation. This option was offered partly to maintain the strength of the Guard, but partly to reduce the surplus in the manpower pool. It was in any event an option freely offered by the government, and to call those who availed themselves of it "draft dodgers," as Defense officials often did, seemed hardly just. In 1955 the principle was extended to the reserves as a whole.

The bill proposed to meet the need for a genuinely ready reserve by requiring varying periods of "drilling" reserve service from all those passing out of the active forces at the expiry of their terms. This would doubtless have met all real requirements for trained reserve personnel. But the imposition of this onerous additional burden on those who had volunteered or been drafted for active service would only heighten the glaring injustice of an obligatory system which threatened to leave large numbers altogether free of any military service at all. Provision was consequently made for receiving up to 250,000 young men a year as enlistees directly into the Federal reserve. They would be given six months' active duty training and

thereafter serve out their military obligation in weekly and summer drill periods comparable to those of the National Guard. There was no real military requirement for this particularly useless form of reserve training; it was, rather, simply a device for insuring that there would be enough military places, active or reserve, to absorb substantially all those reaching military age and thus to maintain the universality of a system which, to be just and to survive, had to be universal in fact. The House Committee report explicitly stated that the new system would provide a "control factor" over the manpower pool.

What evolved out of these considerations was a manpower system which seemed primarily designed to insure that every American of military age would do some roughly equal form of military duty in peacetime, rather than to insure that the United States would in the event of war have available the kind, quality, and numbers of trained manpower that war would demand. The American male approaching military age was offered by his government a complicated series of options. He could volunteer for reserve officer training, contributing considerable time and energy to it during his college career and two or three years' active duty as an officer thereafter. He could volunteer as an enlisted man for four or three or two years' active duty. He could "volunteer for the draft," giving him a chance of getting his two years' obligatory service over with promptly, thus permitting an earlier return to his civilian vocation. He could wait to be drafted. While waiting, no professional or settled career was open to him, though there was an increasing chance (which the government could not conceal) that the draft call might never come. The bill proposed that under any of these options the individual would pass at the end of his active duty into part-time training with the Ready Reserve. After a combined total of six years in both active and Ready Reserve duty, he would pass into the Stand-By Reserve for the last two years of his obligation, required to take no further training and liable to recall only in event of a Congressionally declared war. If he took none of these options

he could enlist directly in the reserve (six months' active duty training and seven and a half years thereafter in an onerous course of part-time training). Or he could enlist in the National Guard, with much the same result except that the initial six months' active duty training was not originally exacted.

There were some variations of detail, not noted above, while the bill itself underwent considerable modification before enactment. In fairness to those who had already made choice of their military careers, the compulsory drilling reserve duty was required of none already in active service; it meant that this feature was automatically postponed for two years in the case of drafted men and for longer in case of the volunteers, from whom the most useful elements in the reserve system might be expected to come. Not until August 1957 were the first compulsory recruits for the drilling reserve available, and by that time the problem of what to do with them was more acute, by far, than it had seemed in 1955. The proposed compulsory assignment of time-expired men to the National Guard was dropped on the insistence of the Southern states; for this would have permitted, if not required, the Defense Department to assign Negroes in due proportion to the still lily-white Southern Guard units. One possible lever for justice and equity in our military manpower system was thus lost.

In the meanwhile, the creation of the mobilizable, trained, and ready reserve has depended on the influx of volunteer reservists, the least useful of material for such a structure. It may be said that in time, with the compulsory feature now first coming into operation, this situation would cure itself. But the necessity for balancing out the various options into a rough equality of sacrifice—not only in the interests of justice but in order to prevent undue competition between them—has distorted the military utility of the system in other ways. National Guard and volunteer reserve training had to be kept at eight years, since, with a much shorter period, these options might have become so attractive as to undermine volunteering for the regulars. But eight years is a much longer period than can be usefully spent in a form of part-time training that has never

yet succeeded in producing anything approaching combat-ready formations (one excepts a few specialized air, anti-aircraft, and technical units) on the approach of war.

On the other hand, the three- or four-year enlistments of the regular forces are too short to produce the technically expert personnel required in modern war. They cannot be lengthened, however, so long as the draft term is for two years only; otherwise, service under the draft would become too attractive, and volunteering would fade. The two-year draft term is militarily unsatisfactory. Too short to produce the requisite highly-trained personnel, it is too long for instilling the kind of basic training with some rudimentary specialist education which is all the average two-year man gets out of it. Much of the two-year man's time comes close to sheer waste. But the two-year term is now popularly accepted, and it is hard to change it. If shortened, it would again imperil the long-term volunteering on which the backbone of the services is built; if lengthened, it would threaten the whole system with being swamped in the rising manpower pool with which it even now cannot keep up.

## THE PROBLEM CHANGES

The manpower system was thus thrust into a curious form of calculation much more like those of the economists than those of the personnel manager. The problems were those of supply and demand, the manipulation of human responses rather than the utilization of human resources. The solutions arrived at in 1955 had their defects, from the military no less than from the human point of view, but, under two assumptions then tacitly accepted, it may be that no better solutions could have been devised.

These two assumptions were: first, that the problem was to prepare the United States for a more timely repetition of a massive general mobilization on the Second World War pattern; and second, that to do this would require much larger

regular, standing military forces in peacetime than could be obtained without the spur of the compulsory draft and the universal military obligation upon which it rests. Both assumptions have since come increasingly under challenge.

The general introduction of nuclear weapons into tactical as well as strategic warfare—in part a response to the pressures for economy in combat manpower—has changed our concepts of war and of the requirements of a modern peacetime military establishment. No one knows what a future war would be like—or even whether there will ever be one on a major, global scale—but it seems most improbable that it could call again, as in 1917 and 1942, for a maximum mobilization of infantry or armored divisions as the basic instruments. If we ever mobilized the thirty-seven infantry and armored reserve divisions envisaged by the 1955 Reserve Act it seems most unlikely that we could transport or supply them over railways, through ports, and across beaches smoldering and radioactive from the nuclear fires. The ground soldier is thought of today principally as an instrument for limited or “brush-fire” wars; as such, he is scarcely any longer a ground soldier, but must be air-transportable, which limits his numbers severely. Military men now pretty generally believe that any major war will have to be fought to the end with whatever was ready at the beginning—and that means combat-ready—and even those who foresee a period of what the British have called “broken-backed” war, after the great bombs have all been expended, do not foresee that it could utilize the big and massively equipped divisions, with their exorbitant logistic demands, of the two world wars. Even if we should again be required to mobilize great masses of manpower, comparable to the 15,000,000 raised in 1941-’45, most of them would have to be trained to complex technical skills not usually acquirable from the kind of training one gets in boot camp or in National Guard and reserve divisions.

Meanwhile, under the relentless pressures for economy, the Ready Reserve and its training tend increasingly to lose what little realism they ever had. Existing reserve units have been cancelled; it is impossible to provide armories and weapons for

the expansion of the reserve which was to result from the 1955 act. There is no longer enough room for ROTC graduates; increasingly, the active duty terms to which they were obligated have had to be curtailed or eliminated. This adds to the imbalance of the system. While some men are relieved of duty, others are compelled to waste long periods of their time in training of little use to the nation or to themselves. At the same time, the dwindling draft calls, consequent on the continuing reduction in active strengths, leave more and more young men to escape the call altogether, even though the unfilled obligation hangs over their heads and their careers.

Taken as a whole, it may be said that the universal military obligation and the manpower system which has been built around it fails to meet the real requirements of national defense today, is inefficient in fulfilling the supposed requirements, and is increasingly unjust and discriminatory in its operation. It thus fails all three of the tests suggested in the introductory section of this paper. But on the second of the above assumptions—that we must maintain active forces larger than can be supplied by volunteering alone—there seems no good alternative. If we cannot relinquish the draft, then we cannot relinquish the universal obligation, and a universal obligation, if it exacts duty from some, must try to exact it from all. Some such manpower structure as that established in 1955 is the unavoidable result.

But the necessity for continuing the draft has been directly challenged, notably by Ralph J. Cordiner, president of General Electric, who headed a special committee of the Defense Department on the military pay structure, and who insists that if the committee recommendations were adopted it would be possible to reduce the active forces by a further 10 per cent and abolish the draft. What this implies is a fundamental reconstruction of the military system itself, its conversion to a long-service, highly-trained professional force, free to take only those men whom it really needs and can use in genuine military duty, free to design a reserve system which will meet the actual requirements, and no more than the actual requirements.

insist that at least they study it with greater imagination and greater earnestness than they have yet given to it. They are not unaware of the problem—indeed, they cannot escape it, since both the draft and reserve acts terminate in mid-1959, and so must be reviewed next year. But we cannot expect the military to solve the problem unless the popular mind, also, is freed from old traditions and old military concepts not really applicable to the situation before us.



# THE CONTROL OF SEDITION

In May 1930 the House of Representatives established a special committee under Representative Hamilton Fish to "investigate Communist propaganda in the United States and particularly in our educational institutions." Eight years later it established the famous Dies Committee with a mandate to investigate "the extent, character and objects of un-American propaganda activities in the United States," the "diffusion within the United States of subversive and un-American propaganda" of both domestic and foreign origin, and "all other questions in relation thereto that would aid Congress in any necessary remedial legislation."

These investigations were the forerunners of a great mass of governmental measures — investigations, executive orders, regulations, statutes, and court decisions—directed toward the defense of our free society from the dangers of sedition and subversion. Not since the Alien and Sedition Acts of 1798 had the Federal government moved in peacetime against sedition as such; never had it moved in such varied ways and on so great a scale. Different as they were, the formidable measures which resulted shared a common characteristic. Although they were justified, like the 1798 enactments, as essential to the defense of the country against *acts* of treason, espionage, sabotage, violent revolution, and the treacherous influencing of policy in the interests of a hostile foreign power, the method of defense was not to suppress such acts themselves but rather the faiths, political beliefs, and utterances from which the acts were believed to result.

The same principle underlies all the great group of measures here considered. Since, it is argued, dangerous consequences of a belief in Communism are difficult to foresee and avert, effective defense requires that the teaching and advocacy of Communism itself be suppressed. Since espionage is not easily detected and prevented, a successful defense against it requires the exposure of those who may hold or might come to hold pro-Communist loyalties, such persons being considered the most probable source of Soviet espionage agents. Since it is the Communist political faith which appears to be the root of the apprehended evils, the faith itself must be extirpated, not only by exposing but by heavily penalizing those who may be “guilty” of entertaining it. It is this common characteristic of attacking faith, belief, and utterance which makes all these properly anti-sedition measures. Since Hamilton Fish started out to investigate Communist “propaganda” with a view to legislating its suppression (a subject on which Congress is supposed to make “no law” and made none at the time) they have grown into a colossal system for the control of sedition, at almost every point at variance with the spirit if not the letter of the Constitution.

## THE BUILDING OF THE DEFENSES

A brief summary of the process may better indicate its significance. From 1938 onward the Dies Committee devoted its main efforts to exposing Communists, or supposed Communists and Communist sympathizers, in the Federal government. The first echo of the old Alien Acts came later in the same year, when the McCormack Act decreed that anyone who served as an agent of a foreign principal must register with the Secretary of State. In 1939 the Hatch Act (originally adopted to debar Federal employees from partisan political activity) was amended to forbid government workers belonging to any organization "which advocates the overthrow of our constitutional form of government." In the same year a proviso was added to the Emergency Relief Act forbidding the payment of relief to any one advocating violent overthrow. It was the first of the riders which were subsequently added to every appropriation bill, forbidding the use of the funds to pay those advocating violent overthrow and making it a felony for such persons to accept such wages or salaries. Since the '40's it has thus in effect been unlawful for a Communist or pro-Communist to have a place on the Federal payroll.

Tensions already high were greatly increased with the outbreak of war in Europe in September 1939, as a result of a temporary alliance between the Soviet and the Nazi dictatorships. Our first explicit peacetime sedition act in nearly a century and a half came with the Smith Act of 1940. True to its prototypes, it was actually both an alien and a sedition act. It provided for the registration and fingerprinting of all aliens; it decreed the deportation of any alien who at any time after entering the country had advocated violent overthrow; finally, it made it a criminal offense to teach and advocate, or to conspire to teach and advocate, or to have membership in a party which taught or advocated, the violent overthrow of the government. These clauses, seemingly in direct violation of the Constitutional guarantees of free speech and assembly, were not to meet ultimate court test for another eight years—partly

because the Attorneys General of the time were reluctant to use them, mainly because, after June 1941, the Communists were aligned with the democracies, while after Pearl Harbor any Nazi seditions would have been only absurd. But the Smith Act represented a foundation stone in the great defenses against sedition which were to be erected with the reviving tensions of the cold war after 1945.

The requirements of military secrecy in wartime brought a considerable development of personnel security screening, not only of the military and of Federal government employees but of private employees in war plants and, in particular, the new and super-secret atomic energy industry. As early as 1942 the War Department instituted a strenuous, but generally voluntary, program for the "discharge of subversives from private plants of importance to Army procurement." By the end of the war the security officer, with his investigations into individual backgrounds, beliefs, and associations, was a familiar figure. His dossiers and fingerprint files were beginning to accumulate, but his efforts were not yet systematized on the grand scale later adopted. Other protections against subversion were developed as war measures. Few have since been willing to defend one of them, the mass evacuation from the West Coast of persons of Japanese ancestry; yet the principle behind it was later to be embedded in the Internal Security Act. The war was not yet over when the discovery of large numbers of classified papers (few, apparently, of much real security significance) in the office of the small magazine *Amerasia* awoke some interest in Communist espionage and in the seemingly subversive citizens who might supply its agents, but this was of no great popular concern at the time.

The onset of the cold war coincided, however, with two developments which were enormously to expand the popular demand for better defenses against sedition. One was the appearance of the staggering problem of the atomic bomb, the intense debates over a proper atomic policy, and the tremendous emphasis placed upon "keeping the secret from the Russians." The other was the revelation by Igor Gouzenko, the

defecting Soviet code clerk, of the existence of extensive Soviet espionage networks in Canada and the United States, largely staffed from natives recruited from the native Communist parties and study cells. With the conviction of the English nuclear physicist, Alan Nunn May, these nets were shown to have reached even to the periphery, at least, of the greatest and most jealously-guarded of all national secrets.

The defenses against sedition were rapidly strengthened. Other Congressional committees joined the House Un-American Activities Committee in its work of exposing Communists, pro-Communists, and suspected pro-Communists, not only in government service, but in the trades unions, the motion picture industry, the universities and schools, and in the press. The Atomic Energy Act of 1946, in making the most stringent provisions for secrecy, required the Atomic Energy Commission to establish a rigid screening of its own and its contractors' employees for "character, associations and loyalty." In 1947 President Truman promulgated the first formal loyalty program, requiring an investigation of the "loyalty" of all persons entering Federal civil employment and providing for the hearing of charges of disloyalty brought against any in the service. In the same year the Taft-Hartley Act required a non-Communist oath from officers of trades unions.

While the investigating committees had long been exposing suspected Communists in government, it was not until the summer of 1948 that the testimony of Elizabeth Bentley and Whittaker Chambers brought to the public the first tangible evidence that, at one time at any rate, there had existed Communist cells within the government which had assisted Soviet espionage or been in a position improperly to influence government policy. This helped to awaken powerful support for the Mundt-Nixon bill, introduced by the Un-American Activities Committee earlier in the year. The Mundt-Nixon bill (not itself enacted, but largely incorporated in the Internal Security Act of 1950) adopted a rather new approach. In 1940 the Voorhis Act had sought to compel subversive organizations to register, to disclose their membership, and reveal their finances and

activities. While the Communist Party was the principal target, the word "Communism" was not used, and the act was of no effect. The Mundt-Nixon bill now boldly defined "Communist action" and "Communist front" organizations, required them to register and make disclosure, and empowered the Attorney General to see that they did so. The Communists would thus expose themselves, and render themselves subject to the various disabilities that had been or might be imposed upon "subversives." Reliance on the principle of disclosure was believed preferable to the "outlawry" of Communism, as well as less repugnant to the Constitution. In effect, Communists would be isolated from the rest of the community, making it possible to reduce them to a status of second-class citizenship without, it seemed, imperilling the liberties of the great non-Communist majority. To many this seemed a valid solution for the problem of how to control those who were exploiting our freedoms in order to destroy them, without in the process risking the destruction of the freedoms themselves.

To the President it did not seem a valid solution, and he believed that the Congressmen's passionate concern with the Communist menace was motivated largely by their partisan desire to defeat him in the 1948 election. When the Un-American Activities Committee began to develop the case against Alger Hiss in the latter part of 1948, the President dismissed the matter as a partisan "red herring." But the popular pressures that had been generated forced the Administration into a competitive demonstration of its own ability to deal with Communism in its own way. It took up the Smith Act as its weapon, securing the indictment of the twelve principal leaders of the American Communist party for criminally conspiring to teach and advocate the violent overthrow of the government. The trial began in January 1949 and continued through the next ten months—an extraordinary proceeding, with its elaborate review of Communist literature and teaching, its revelation of some of the paid informers with whom the FBI had been infiltrating the Communist apparatus, its testimony as to the "Esopian" language and clandestine rituals of the Communists, and its dem-

onstration, by the excesses of defense counsel and the organized mobs in the streets, of the extent to which the Communists were capable of going in exploiting the liberties guaranteed to them by the Constitution to which they were avowedly opposed.

The jury finally determined that the teaching and advocacy of Communism was equivalent to the teaching and advocacy of violent overthrow and therefore a criminal sedition. Meanwhile the trials of Alger Hiss, on what amounted to a charge of Soviet espionage, were going on; while the witnesses before the committees were more voluble than ever. From the breaking of the Hiss case, according to one writer, "indignation grew with each month. Congressional committees, loyalty boards and the FBI began to track down present [a questionable adjective] and past members of Soviet apparats, most of them American citizens." Alger Hiss was convicted in January 1950; in February Senator Joseph R. McCarthy opened his celebrated campaign against subversion by announcing that there were "card-carrying Communists" in the State Department; in March there came the most sensational of all the espionage disclosures with the confession of Klaus Fuchs, the high-ranking nuclear physicist who had allegedly been a Communist in Germany. And at the end of June there came the onslaught on Korea.

The defenses against sedition were raised higher still. In August 1950 Public Law 733 granted the power of summary dismissal on national security grounds to the State Department, the military departments, and other sensitive agencies. The Magnuson Act required security clearance for all merchant seamen and many longshoremen. And the Internal Security (or McCarran) Act consolidated the provisions of the Mundt-Nixon bill with other proposed measures into one comprehensive measure for the control of, explicitly, Communist sedition. It opened with a finding of fact and necessity, declaring the existence of a "world Communist movement" directed and controlled by "the Communist dictatorship of a foreign country"; and declaring that the Communist organization in the United States was a part of this movement and as such presented "a clear and present danger to the security of the United States and to the

existence of free American institutions." It went on to define with all the precision possible what constituted "Communist action" and "Communist front" organizations; it established a Subversive Activities Control Board to determine what groups came within the definitions, and required such groups to register with the Attorney General and make full disclosure of their officers, members, and activities. It imposed extensive disabilities on members of Communist organizations, as members, debarring them from the receipt of passports, denying them the right to non-elective office or employment under the United States or in a "defense facility," requiring them to label all publications sent to two or more persons through the mails or over the air. The authors of the act (passed over Presidential veto) did all they could to ensure its constitutionality; the well-founded doubt on this score is yet to be resolved by the Supreme Court and the lengthy processes of appeal have left the act so far ineffective.

On the other hand, the Court in 1951 (the Korean War was still near its height) upheld the constitutionality of the Smith Act under the First Amendment. In so doing it accepted a certain modification of the doctrine of "clear and present danger." It was no longer the imminence of the peril of seditious speech which justified the suppression, but its probability. It was only too obvious that the danger of violent overthrow to be apprehended from the teachings of the tiny handful of remaining Communists was exceedingly remote, but the majority held that the evil would be so grave if it ever resulted, and the result was at least sufficiently probable in the light of Communist infiltrations elsewhere, as to authorize the ban. It was also in 1951 that the President was led to revise his loyalty order. It was no longer necessary to establish reasonable grounds to believe a man disloyal in order to exclude him from government service; it was enough to establish reasonable doubt that he was loyal.



## THE WAR UPON SUBVERSION

With this, the major legal defenses against sedition and subversion were more or less complete. Subsequent expansions of the anti-sedition system were less matters of law or principle than of methods, administration, and popular attitudes. The savagery with which the McCarthy and other Congressional committees were to pursue Communists, pro-Communists, and those allegedly "soft" on Communism in government and elsewhere, and the patience with which they dug back into an often rather remote past to prove the existence and balefulness of Communist conspiracy, greatly heightened the impact of the anti-sedition defenses upon those affected by them. The trial of the Rosenbergs in the spring of 1951 on charges of atomic espionage, resulting in their conviction and subsequent execution, drew a sensational picture of appalling perils to be apprehended from Soviet espionage based on conspiratorial Communism. It fed the excesses of those who were exploiting "the Communist issue" for personal or partisan advantage. It put heavy pressures on loyalty boards and reviewing officials, leading them to an illogical and at times grotesque severity in their decisions. Enflamed popular opinion tended more and more to distort what was designed as a system for arriving at a rational estimate of an individual's loyalty and reliability into a system simply for ascertaining, in a fairly routine way, whether he was or ever had been in any way connected with Communism. Numerous state and local enactments were added to the Federal measures; teachers had to be screened for security, licenses to practice piano-tuning and other innocuous occupations were withheld on "security" grounds. The American Bar Association was vigorously to argue the question whether a lawyer, as an officer of the court, should be disbarred for Communist inclinations or associations; and various attempts at formal disbarment on these grounds were made, although so far they have been defeated in the courts.

In 1953 the Eisenhower Administration introduced important modifications in the Federal personnel security system and

other defenses against subversion, but these did not alter the structure in principle nor, at the beginning, markedly in practice. In the spring of 1954, when the televised Army-McCarthy hearings initiated the first shift in popular attitudes and reactions, the defenses against subversion and sedition stood at their greatest height. The nation had unquestionably accepted the conviction, to which the bi-partisan Commission on Government Security (the Wright Commission) still clung in mid-1957:

*That, in the final analysis, with rare exceptions, the real danger to the nation from this source ["security risks"] lies with that small coterie of individuals who are now or may later be disloyal to the United States. A careful review of our record of infamy to date — the Hiss, Remington, Greenglass, Rosenberg, Gold, White and Silvermaster cases, and many others—makes it clear that their perfidy can be traced to a fundamental allegiance to another cause, principally communism, and a deep-seated disloyalty, or lack of loyalty to the United States.*

It had become unlawful to conspire to teach or advocate Communism, and scores of party officials had served jail sentences or were on trial for having committed this crime. No subversive alien could be admitted to the country, and any resident alien with subversive associations or beliefs was subject to deportation. None suspected of subversive belief could in practice secure passports for foreign travel. Officers of trades unions making use of the National Labor Relations Board facilities were required to swear that they were not Communists, under penalties for perjury (which were in fact adjudged against several) if it could be shown that they had sworn falsely to their beliefs.\* (The measure was relatively ineffective. Fears of

\*Throughout this discussion there has been no attempt to confine the terminology within its strict legal meaning. It is immaterial for present purposes that union officers are technically required to swear to their status rather than to their beliefs; that to be a Communist is not in law a crime; that a security hearing is not a trial at law, or that dismissal from one's job is not a legal penalty. The effort is to avoid such technical issues in order to discuss these problems in terms of the broad concepts of right and justice which seem applicable to them.

Communist-led unions were pretty well met, by other than governmental action, when in 1950 the CIO itself expelled such unions, setting up rival unions of its own in competition with the most important of them; but the Communist Control Act of 1954 still sought to plug this hole in the anti-Communist dykes by adding a definition of "Communist-infiltrated" organizations to those of "Communist-action" and "Communist-front" groups, and barring "infiltrated" labor unions from NLRB privileges.)

Some ten or fifteen million Americans in the armed services, in Federal civil employment, in defense plants, and in many forms of state and local employment were required to submit to security screening. For the vast majority this amounted to taking a kind of test oath, the Personnel Security Questionnaire or "PSQ," swearing, in effect, that they were not subversive in their beliefs and had no subversive associations. If they revealed such associations or beliefs they were dismissed, or refused initial employment or (if in the armed forces) confined to trivial and punitive duties. If they falsely concealed them they were liable to prosecution for perjury or at least dismissal for misrepresentation. In the case of a comparative few in sensitive positions it meant intensive, and at times embarrassing, investigation into all their past lives and associations; for all, it meant the establishment at the least of files and fingerprints, by which they could be followed throughout their lives and to which any "derogatory information" that might ever develop against them could be added. Merchant seamen and many port workers were under the special disability that in order to practice their trade they had to have security clearance from the Coast Guard, even though they were in wholly private employment, unconnected with classified defense contracts.

It was generally accepted that no Communist could be a school or university teacher; and teachers, with many other state or local officers, were widely required to take loyalty oaths in forms similar to those of the PSQ's. Anyone, from any walk of life, suspected of present or past association with or sympathy for Communism, might be haled before a Congressional investigating committee and subjected to hostile questioning about his

beliefs, utterances, and associations. If he confessed to a taint of Communism the usual result was immediate dismissal from his employment, whether public or private, unless, by "cooperating" with the committee, he demonstrated the fullness of his recantation. If he took refuge in the Fifth Amendment, he was safe from prosecution, but convicted himself in the public mind of still bearing the taint, and ordinarily the punishment—loss of his job—was the same. Nor does this exhaust the list of disabilities, in law or in public esteem, laid upon Communists, ex-Communists, persons suspected of a sympathy for Communism, by reason not of their acts but of their supposed beliefs.

## FREEDOM AND SEDITION

Such, in brief, were the defenses against sedition and subversion which by 1954 had been erected in the United States. Were they compatible with the requirements of freedom and justice under contemporary world conditions? In attempting an answer one faces not one but two basic issues. The first is general and theoretical: Can a free society enforce such a proscription of a belief, as such, without peril to its freedom? Let it be assumed that the whole system for the suppression of Communists and Communism operates accurately, that all caught in its toils really are Communists at heart, loyal to the faith and to the domestic and international organizations which embody it, as, indeed, a great many unquestionably are. Is such a proscription of belief allowable? Thomas Jefferson, when he drafted the Virginia Statute of Religious Freedom, thought not:

*To suffer the civil magistrate to intrude his powers into the field of opinion, and to restrain the possession or propagation of principles on supposition of their ill tendency, is a dangerous fallacy . . . Truth is great and will prevail if left to herself . . . errors ceasing to be dangerous when it is permitted freely to contradict them.*

Those who today take the contrary view usually do so on the ground that it is not error which they wish to combat but the conspiracies which it engenders, as Sidney Hook put it in a catchy title: "Heresy, Yes—Conspiracy, No." Yet virtually all heresies — from the time, if one likes, of the early Christian martyrs—assume some conspiratorial characteristics, and virtually all efforts to suppress heresy have been justified on the ground that it is the conspiracy, not the error, which is the object of the repression. Jesuit missionaries in the England of the Tudors and the Stuarts were hounded primarily as secret agents of a foreign power rather than on the ground that their teachings were erroneous. Sometimes the conspiracies are quite real—no one can deny that the Catholic plotters under Guy Fawkes introduced actual barrels of gunpowder into the cellar of the House of Commons and came near to destroying the Protestant King and Commons together. Sometimes they are fictions of overheated imagination, like Titus Oates' fantastic allegations, or like the conspiracies to commit murder and child sacrifice described in the celebrated anti-Semitic forgery, "The Protocols of Zion." Sometimes, as seems to have been the case with the heretical "deviations" so savagely suppressed by Stalin in the '30's, real elements of dangerous conspiracy are mingled with the febrile and fearsome inventions of the tyrants and their secret police. The Hook principle, "Conspiracy, No," since it has been invoked in nearly every heresy hunt in history, is of little use in answering the theoretical question.

The answer returned by the Supreme Court, in its various free speech decisions, turns upon the reality and urgency of the perils, whether of persuasion or of conspiracy, actually presented by the heretical or seditious belief. A free society may, indeed must, defend itself from genuine dangers arising from seditious teachings and disloyal beliefs. Whether the danger is that the seditious teaching will inflame enough minds to make possible a violent overthrow of our institutions by mob action, or whether it is that the disloyal faith will engender a dangerous infiltration of these institutions to distort their purposes and penetrate their secrets in the interests of a foreign

power, makes no difference. There is quite obviously not the slightest present danger of violent overthrow as a result of the educational efforts of the Communist party or its schools and missionaries, yet the Court found that the party's conspiratorial activities were at least so dangerous that Congress could not, despite the First Amendment, be denied power to legislate against them by prohibiting (in the Smith Act) the teaching and advocacy of the Communist belief.

The true theoretical argument revolves, then, around the reality of the peril—not the peril presented by specific Communist spies, saboteurs, or infiltrators, but the peril presented by the holding and teaching of the belief which presumably incites such persons to their acts. There is no question that this danger has been enormously exaggerated in the public mind by many forces, operating from many motives. The natural fears of the society as a whole engendered by a difficult and awesome international situation are by no means a complete explanation; these fears have received powerful reinforcement and exploitation from the pressures of personal ambition and partisan fury, from the tendency of the security officers and secret police to magnify their accomplishments and justify their function in society, from the reactions of those who see in Communism less a threat to the free society as a whole than to their own positions of power or profit, from the natural, if irrational, hatred which most men feel toward any heretical or non-conformist challenge. The dangers have been grossly exaggerated. Yet there is also little doubt that they are in some measure real. They are doubtless real enough to authorize some departure from the spirit of the First Amendment and the Jeffersonian principle that the civil authority may not "intrude his powers into the field of opinion." They are hardly real enough to authorize all the departures of the past few years. This has recently been increasingly recognized in court decisions and popular reactions. Yet the problem of just where and how to draw the dividing line remains; it is probably the most basic of all the issues which divide the devoted "anti-Communists" from the devoted "libertarians."

In an interview a couple of years ago the Attorney General of the United States adopted the extreme position that "it took only one Hiss, one Remington, one Coplon to be in a position to do incalculable harm," and in replying to a question disagreed with the proposition that "it is better that ten loyalty risks stay in the government than that one innocent man be dismissed." This seemed to him a "fanatical" attitude, which "of course would make it impossible to maintain an organized society." The nation's chief law-enforcing officer could not so violently have reversed the principle that it is better that the guilty should escape than that the innocent should suffer except on a very high estimate of the perils of sedition—an estimate for which there is no support. It has never been shown that the harm done by Hiss, Remington, and Coplon put together even approached the "incalculable"; the actual damage they did to the security of the nation seems at the most to have been of a very modest sort.

The episode well illustrates the unsatisfactory nature of the debate over the reality of the subversive peril. The "anti-Communists" emphasize the fact that Communists or crypto-Communists have been the chief actors in most (not all) of the actual espionage cases that have arisen since the war. They emphasize the Allis-Chalmers strike, during the period of the Stalinazi pact, one fairly clear case in which a Communist-dominated union leadership utilized a strike in a war industry for political reasons and in support of Soviet policy. They emphasize the *potential* threat of sabotage represented by Communists with access to war-vital industry. They emphasize the access to policy-making councils enjoyed by the known Communist cells in government between the '30's and the late '40's, and they strive to establish instances in which this access to policy-making was used to urge pro-Soviet policies.

Their opponents may grant that these Communist cells did use their positions to bring other Communists into office, but will point to the extremely tenuous nature of the proof that they succeeded in treasonably influencing policy. They point out that since the beginning of the Second War there has been

no known case of sabotage, and that there was no Communist sabotage even during the Korean War period. They may grant that Communist domination of union leadership has introduced a troublesome, irritating, and clandestine element into domestic labor relations, but will argue that it has represented no peril to the national security and has not even advanced the Communist ideology, since Communist leadership has rarely converted any large body of the union rank and file. And they point out that the instances of espionage which have come to light have been very few and, with perhaps the single exception of the Fuchs-Rosenberg atomic espionage, have done only the most minor damage, at the most, to the security of the state.

The theoretic issue over the suppression of sedition as such must turn primarily on the estimate of the dangers which sedition presents; and this estimate, depending so largely on passionate emotions, preconceptions, misunderstandings of the politico-military process, with a fair amount of outright mythology present on both sides of the debate, is not easily arrived at. A tentative conclusion is that, where the perils are real, the free society is warranted in proceeding against subversion as such; it is justified in isolating a dangerous sedition and adopting against it methods which it may not use against the non-seditious or loyal members of the free community. The subversives who, like the Communist writers who once stormed the Un-American Activities Committee, flaunting their constitutional rights as a means of concealing their own clandestine commitment to the destruction of those rights, need not as a matter of principle be granted all the immunities enjoyed by free men. But if this principle be accepted, it must at the same time be recognized as one peculiarly open to abuse; it cannot be applied in the suppression of any or every dissentient or "disloyal" political faith; it can safely be invoked only where the dangers to be apprehended from the sedition appear, under as calm, unbiased, and realistic an analysis as is possible, to be real, grave, and "present" dangers.

The second basic issue, or set of issues, to be considered is of a different kind. The foregoing has been assuming an ideal



anti-sedition system, operating perfectly within its own assumptions, identifying, controlling, and penalizing only those who really hold the seditious faith. But granting for the sake of argument that it is both necessary and legitimate to apply special disabilities and penalties to Communists, it cannot be legitimate to apply them to those who are not Communists at all. If the principle is allowable, justice clearly requires that the practice should accord with it. If pro-Communist believers are adjudged so treacherous, unreliable, and potentially dangerous as to warrant their exclusion, as a class, from full participation in the affairs and privileges of the community, this certainly does not warrant the similar exclusion of many who are in no way pro-Communist believers, as a result of suspicion, rumor, malice, or mistake. The second basic issue concerns the question of how far the anti-sedition system operates justly within its own premises.

It is important to distinguish the two issues, because they are usually inextricably confused in debate over such specific problems as the protections of the Fifth Amendment, the right of confrontation in security hearings, the right of the defense in criminal cases to examine the reports of FBI witnesses, and many similar issues of due process. In confronting such debates it is usually difficult to know (and the disputants usually do not seem to know themselves) whether the issue is over the rights of any citizen in defending himself from the charge of being a Communist or the right of a Communist not to be penalized or held blameworthy solely because of his Communism. The non-Communist position is: You may not invade my thoughts or require my testimony under oath in order to prove me guilty of Communism because with such methods too many mistakes are made. The Communist position is: You may not invade my thoughts or require my testimony in order to prove me guilty of Communism because Communism is no crime and you have no right to make it so in either law or common practice. These are quite different positions.

An attempt has been made to deal with the second in the preceding discussion of the proscription by a free society of

sedition as such; the conclusion was that the Communist's position cannot be sustained if the perils of the sedition are sufficiently grave. But this does not affect the validity of the first position. It is, of course, well recognized that any requirement of due process intended to protect an accused who is innocent may (and frequently does) operate to protect the guilty as well. In insisting that our defenses against subversive belief should not operate to entangle those who are innocent of subversion, we must inevitably ease to some extent the path of those who are guilty of it. But there is an important difference between protecting the individual wrongfully charged with what we consider to be a crime and protecting the individual rightly charged with what we do not believe to be criminal.

Our second basic issue, then, concerns the justice with which the anti-sedition system as a whole operates against the evils which it apprehends without invading the liberties of those not party to the evils. No war against disloyalty, sedition, or heresy can be carried on without the use of self-incrimination, condemnation by association, and tests for utterance or for received opinions and reading matter, since disloyalty or sedition are matters of the inner mind and emotions, and these are accessible to the investigator in no other way. If it is believed that the safety of the state requires that we ascertain whether a man is a heretic, or schismatic, or disloyal, or a Communist, these are the methods which must be employed. They are also methods which the experience of some two or three centuries of struggle had taught the liberal rationalists of the late Eighteenth Century to regard as abhorrent and incompatible with free popular government. Whether a government of free men ought to try and condemn for opinions of ill tendency was a question to which more than one answer might be returned; but there could be no doubt as to the cruel mistakes and miscarriages of justice which resulted whenever it sought to do so.

The origin of the privilege against self-incrimination is often ascribed to the desire to prevent physical torture. But even in the later Eighteenth Century people were not particu-

larly sensitive to torture. The objection to torture was not the agonies it inflicted but the unreliability of the evidence which it elicited. The development of the privilege in Anglo-Saxon law goes back to the struggles in Tudor times over the power of the ecclesiastical courts to try and punish for heresies and other errors; in exercising these powers they employed the "oath *ex-officio*," requiring (like a modern "PSQ") that the suspect swear to his innocence, and then answer fully and truthfully all subsequent questions put to him. The result was not to elicit the truth, since the investigation was into the intangibles of belief, but to make it easy to entrap the subject into inconsistencies, apparent perjuries, and confessions of guilt as meaningless (although just as fatal to the defendant) as those with which the Russian treason trials of recent times have made us familiar.

When men are, in effect, tried for seditious belief (however the charge may be worded, or whatever the extra-judicial character of the tribunal or the punishments imposed), conviction can be obtained only by forcing them to incriminate or entrap themselves. A striking demonstration of the meaning of the ancient oath *ex-officio* (and of the reason for the privilege against self-incrimination which resulted from it) was provided by the Lattimore case in 1952, perhaps the one most extraordinary episode in the war upon subversion.

Lattimore was called before the McCarran Internal Security Subcommittee. He swore to his innocence at the outset—that he was not and never had been a Communist, a sympathizer, or "any other kind of promoter of Communist interests." He was then subjected to rigorous examination under oath for no less than twelve days running—an examination into his writings, his editorial work, into long-past associations and events of suspicious character. It could not be proved that he was or had been a Communist. But the committee and the Department of Justice believed that enough had been amassed to indict him for perjury, on the ground that he had sworn falsely in his initial oath that he had never been a "sympathizer or promoter of Communist interests." Minor discrepancies or slips in his

testimony were made the ground for six further counts in the indictment—not because the alleged perjuries were significant in themselves, but because, if they could be established as perjuries, they would indicate an evasiveness which would support the main charge: that Lattimore had lied in swearing that he was not a Communist sympathizer.

The indictment was struck down by the District Court as being hopelessly “nebulous and indefinite . . . . To probe the mind in a situation like this would give rise to nothing more than sheer speculation on the part of the prober,” an opinion sustained by an 8-1 vote of the Court of Appeals. The remarkable fact here is not the quashing of the indictment but the inability not only of the McCarran Committee but of the Department of Justice to understand the logic behind it. The Senators and the government attorneys had convinced themselves that Lattimore *was* a Communist sympathizer and promoter of Communist interests; they quite sincerely believed that he had lied in denying this—as an ancient Grand Inquisitor would sincerely believe that an accused must be lying in his denials of having harbored heretical belief—and they still thought that he ought to be punished for the perjury, the only means of punishing him for his wicked tendencies. Lattimore was actually re-indicted (a slightly different wording being adopted for essentially the same charge) and even after the second indictment was struck down, the District Judge telling the prosecution bluntly that if it stood it would “make a sham of the Sixth Amendment,” the Justice Department persisted (unsuccessfully) in trying to put him in jail.

“When the propriety of obnoxious or unorthodox views about government,” as Justice Black said in his partially concurrent, partially dissenting opinion in the California Smith Act cases, “is in reality made the crucial issue, as it must be in cases of this kind, prejudice makes conviction inevitable.” It was the impossibility of proving—in any meaningful sense—a charge of heretic or seditious belief, and the virtual certainty that process of this kind must run riot in persecutions, false confessions, mistaken condemnations, executions on mere suspicion or mob

excitement, which led the authors of the Constitution to their effort to bar all such process from American practice. This is probably the deepest root of the First, Fifth, and Sixth Amendments, of the narrow definition of treason, and of other guarantees of the original Constitution and the Bill of Rights. It was essential to the liberties of the free America these men were trying to construct that its citizens be free in speech, assembly, and belief, and that men not be tried for their private beliefs or thoughts, nor condemned for heresies or seditions, whether they actually entertained such heresies or not. By 1954 we had, in the name of the national defense, built a vast system for doing just this; and it was producing, in affairs like the Lattimore case or the extravagances of Senator McCarthy or in hundreds of other episodes, the results in folly and injustice which were to be expected.

## THE COURTS INTERVENE

Controversy naturally arose; and it tended generally to follow two lines. Those who argued that the pursuit of sedition was contrary to the spirit of the Constitution were answered with the argument that it conformed to the letter. In seeding a man out of Federal employment because of past Communist association, the government was not trying and punishing him for his beliefs; it was simply weighing him and finding him wanting for confidential employment—something which any employer must have the right to do. And to those who argued that the weighing system was both unjust and inaccurate, introducing into large areas of American life the injustices and destructions of morale which must flow from any arbitrary and capricious control over access to the means of livelihood, the answer was that the perils were so great that the injustices would have to be accepted. One Hiss, as the Attorney-General put it, could do such “incalculable” harm that it was better to penalize ten non-Hisses than to let one potential Hiss slip through.

As to the first of these two types of argument, it had to be

admitted that the requirements of defense, as indeed the requirements of many other modern institutions, might well necessitate a departure from a strict construction of the Constitution; and that here the letter was generally sufficiently regarded. The second type of argument was, however, to open unexpected avenues toward a resolution of the problem. What really were these menaces against which such extreme protections had to be erected? It was when the public began to get a little bored with the perils of Communism, and when (one may infer) Federal judges began to ask themselves a little more seriously what really were the "clear and present dangers" in response to which so many departures from established concepts of freedom and due process had been authorized, that the issues began to sink to manageable proportions.

The upholding of the Smith Act in the *Dennis* case in 1951 represents both the high point in the judicial validation of the war on sedition and the high point of judicial fears as to the dangerous nature of Communist conspiracy. The *Bailey* case in the same year (decided by a tie vote in the Supreme Court without opinion) upheld the loyalty-security screening procedures, essentially on the ground that the international peril must outweigh the normal claims of fairness and justice to the individual. But within four years the courts were beginning to take a closer view, both of the perils and of the invasions of individual rights which the perils were advanced to justify. The first striking manifestation of this tendency was to come with the decision of the Ninth Circuit Court of Appeals, in October, 1955, in *Parker vs. Lester*. The case involved certain West Coast seamen refused clearance by the Coast Guard as security risks, and thus debarred from the practice of their private trade, without adequate notice, adequate knowledge of the charges against them, or opportunity to confront hostile witnesses. "The whole question here," the court observed, "is whether the danger or possible danger to national security is of such character and magnitude that the ancient and generally accepted rights of notice and hearing envisioned by the Fifth Amendment may be denied to these seamen citizens."

The court recognized that the national safety might require the security screening of merchant seamen, but it insisted that the screening could be carried out under regulations that protected the individual's rights in respect to notice and an opportunity to be heard. "Such a system might make more work for the investigating officers and pose more difficulties," but if this involved any added peril to the national security it would be too slight to outweigh the rights of the individual. "The question is: Is this system of secret informers, whisperers and tale-bearers of such vital importance to the public welfare that it must be preserved at the cost of denying to the citizen even a modicum of the protection traditionally associated with due process?" The court's answer was an emphatic negative.

Other court decisions, though seldom going so directly to the constitutional issue, began to look in the same direction. A series of manifestly unjust, even grotesque, security determinations coming to public notice resulted in a considerable improvement of personnel screening procedures and the regulations governing them. The State Department's power to deny passports without hearing was curbed. The defenses against sedition were made to work less unjustly in practice; but such measures tended to strengthen, rather than weaken, the basic assumption that sedition, as such, was a peril against which defenses must be maintained. The more accurately the system operated to identify and disqualify only those who were really seditionists—that is to say, Communists—the more firmly did the necessity and desirability of suppressing sedition become embedded in the popular mind and in official practice. The examination into belief, self-incrimination, punishment for associations became more acceptable as the system was modified to ensure that these sanctions would be applied only against Communist believers. The many who were outraged when Midshipman Landy was denied a reserve commission because he had continued to associate with his mother, who had once been a Communist, would only have applauded if there had been some real showing that his associations indicated a pro-Communist bias on his part. If the practice was being improved, the theory

of the defenses against sedition remained unimpaired.

It was only when majorities on the Supreme Court (supported by increasingly large segments of public opinion) began to ask what, actually, were the perils of sedition as such, that the defenses against sedition began to be restrained more nearly within the spirit of the Bill of Rights. In *Cole v. Young* (June 1956) the court held, in effect, that government employees could not be dismissed as security risks unless they were in a position to endanger the national security. The decision was technical—on the ground that the statute on which the Eisenhower Executive Order setting up the Federal personnel security system was based did not authorize the extension of the system to all Federal employees—but the underlying reasoning was both obvious and persuasive. The subject in this case had been a Federal meat inspector, who could not, except in the wildest flight of fancy, have imperilled the national security any more than almost any one of his 160 million fellow-citizens. The idea that dismissing this man from his Federal employment was any real contribution to the safety of the state was so absurd that it collapsed of its own weight. The professional anti-seditionists in Congress argued that the court, in confining security dismissals to sensitive positions only, was imperilling the national security; but nothing has yet come of their legislative proposals to restore full statutory authority to the Eisenhower system. The decision, according to Representative Francis E. Walter, chairman of the Un-American Activities Committee, had the effect of opening the entire government “to the infiltration of our mortal enemies.” But in the year which has since elapsed no one has shown that it has had the slightest effect upon the security of the state.

The court was to continue with a series of striking decisions, all directed toward a reduction of the defenses to accord more appropriately with the dangers against which they had been erected. In the *Nelson* case (April 1956) it had already struck down the numerous state sedition statutes on the ground that the field had been pre-empted by Federal legislation. Thirty-five state attorneys-general declared that it was “dan-



gerous to public safety" to "leave the states impotent to regulate acts of sedition or subversion occurring within state borders," but no evidences of the danger have as yet appeared. In *Slochower* (April 1956) it had held that New York could not constitutionally discharge a school teacher solely because he had used his constitutional privilege to plead the Fifth Amendment. In the *Schware* and *Konigsberg* cases (May 1957) it denied a state's power to exclude a man from admission to the bar on the ground of Communist association. In *Witkovitch* it held that an alien under order of deportation as a Communist, but remaining in the United States under supervision of the Attorney General because his own country would not receive him, was not compelled to answer questions about his Communist activities. The majority of the court turned a deaf ear to the government's argument that this would "jeopardize internal security."

In June 1957 the Supreme Court handed down a series of remarkable decisions, all tending to restrict the war against sedition within narrower limits. The *Sweezy* case involved a New Hampshire university professor convicted of contempt for refusing to answer questions by the state attorney general about his teaching, his political opinions and associations. Chief Justice Warren's opinion, setting aside the conviction, was an eloquent reassertion of the rights of academic freedom as against the demands of anti-Communist investigators: "We believe that there unquestionably was an invasion of petitioner's liberties in the areas of academic freedom and political expression—areas in which government should be extremely reticent to tread."

This decision was followed by *Watkins*, in which the Court set aside the contempt conviction of a man who, while freely disclosing his own past Communist associations to the Un-American Activities Committee, had refused to name past associates whom he believed to be no longer Communists. The decision was again on narrowly technical grounds. Under the statute, for contempt to arise the question which the witness refuses to answer must be "pertinent" to the purposes of the investigation. The Court held that the vagueness of the Un-

American Activities Committee's mandate and its failure clearly to explain its purpose made it impossible for Watkins to determine whether the questions were pertinent and consequently to know whether, in refusing to answer them, he was committing a contempt or not. The Chief Justice's opinion did not in terms deny the committee's right to use the investigatory power for the purposes of exposing Communists or to demand that witnesses inform upon long-past associates; but it was filled with eloquent dicta on the powers of investigation into a witness's "beliefs, expressions and associations" which suggested that the Court would tend to draw closely the limits upon this type of Congressional enquiry.

On the same day the Court ordered the acquittal of five defendants and a new trial for nine others convicted in California under the Smith Act for conspiracy to teach and advocate the violent overthrow of the government. While sustaining its 1951 decision, in the *Dennis* case, as to the constitutionality of the statute, it construed the statute itself in a way which came as close to reversing *Dennis* as was possible without actually doing so. The Court rejected the assumption, universal since *Dennis*, that the teaching and advocacy of Communism was tantamount to teaching violent overthrow and had therefore been made criminal under the act. The opinion (by Justice Harlan) held that the mere teaching of Communism, or the teaching of violent overthrow itself, "as an abstract doctrine" was not debarred. "The statute was aimed at the advocacy and teaching of concrete action for the forcible overthrow of the Government, and not of principles divorced from action." The Court could find no evidence against the five whom it acquitted other than that they had been active in the Communist party; this was insufficient in itself to convict them of "advocacy or teaching in the sense of a call to forcible action at some future time." Against the others, remanded for a new trial, there was more evidence that they may have taught "illegal action," while it was possible that in a new trial the government, warned of the necessity of establishing this crucial element in the crime, might produce further evidence against them.

The Court admitted the "subtlety" of its distinction, but, subtle though the point was, it notably restored a large area of the First Amendment protections to free speech and belief. And it did so basically upon a reappraisal of the dangers to be apprehended from seditious teaching. Prior to *Dennis* seditious teaching could be suppressed only when its dangers were "present" as well as "clear." By 1951 the perils seemed so great that the state could be protected against seditious teaching threatening only future evils, provided they were grave enough and there was some probability that they might one day eventuate. By 1957 the Court considered the dangers from sedition taught as an "abstract doctrine" to be negligible; the most which was required by the needs of the common defense was protection against the teaching and advocacy of criminal action at some future time.

A similar reappraisal plainly lay under one more notable decision, in the *Jencks* case. Jencks was convicted of falsely swearing to a Taft-Hartley non-Communist oath, largely on the evidence of two FBI informers as to his Communist party activities. Relying on an accepted rule of criminal law, the defense asked to see the written reports originally submitted by these informers, as a means of testing the credibility of their oral testimony in court. In deference to the unvarying claim of the FBI that its reports must remain inviolate in the interests of national security, the documents were refused. The Supreme Court held that this constituted a reversible infringement of the rights of the defendant, and remanded him for a new trial. By putting its informers on the stand, the FBI obligated itself to disclose those of their written reports which were relevant to their testimony. The Court recognized the government's right to keep documents secret where "the protection of vital national interests may militate against public disclosure," but in a criminal case it could not invoke this privilege at the cost of the rights of the defendant. This was because, in a criminal case, the government "which prosecutes an accused also has the duty to see that justice is done," and it would be "unconscionable" to allow it first to put a man on trial and then use its evidentiary

privilege to deny him "anything which might be material to his defense." Quoting an opinion of Learned Hand's, the Court declared that "the Government must choose; either it must leave the transactions in the obscurity from which a trial will draw them, or it must expose them fully." While the government could suppress the documents if it felt that national security demanded, it could do so only "at the price of letting the defendant go free."

The point at issue clearly had wider implications. The FBI had long taken the position that the absolute inviolability of its files and complete secrecy as to its investigatory methods and its informer system were vital requirements of the common defense. Had the Court felt (as did Justice Clark in his dissenting opinion) that the perils against which it was claimed that this secrecy was necessary to protect us were grave ones, it would probably have hesitated in requiring the FBI to make even this degree of disclosure of its files. If it had believed that letting those accused under these circumstances "go free" represented a greater danger to the safety of the state and the freedoms of its people than would permitting the FBI to depart in this respect from the ordinary rules of due process in criminal law, it would doubtless have followed Justice Clark's reasoning. As it was, the decision amounted to a finding that the FBI's appeals to the vital requirements of national security in order to protect the secrecy of its files and its informer system were at best somewhat exaggerated.

The opinion actually made no great breach in the FBI's system of secret files and informers. The only files it would open would be those in cases in which most of the reasons for secrecy had disappeared when the informers had been put openly on the stand. The only prosecutions it would estop would be those in which the FBI although willing to produce the informers, was unwilling to produce their relevant reports; and while these might be the cases most necessary to convict men (under one guise or another) of seditious belief, it was unlikely that they would involve crimes really dangerous to the national security. Perhaps the point was minor. But just as the Smith Act decision

restored the First Amendment protections over a considerable area, *Jencks* restored a small, but nevertheless significant, area of the Fifth and Sixth Amendment protections of due process.

This whole group of decisions has come under violent—though, not it would seem, very widespread—attack from Congressmen, security officers, lawyers, attorneys general, and others especially interested for one reason or another in building the defense against sedition and subversion as such. Attorney General Brownell declared that *Jencks* had created a “grave emergency in law enforcement,” and the Administration rushed a bill into Congress to correct the situation. Loyd Wright, chairman of the Commission on Government Security, demanded “immediate legislation . . . to negative the grave consequences that will flow from this confusing decision.” James Burnham demanded, in *The National Review*, that Congress investigate the Supreme Court, for its usurpations of power and for its “legal sabotage of security measures.” Rep. Walter has announced an omnibus security bill to repair the breaches made by the court. But nowhere in all this was there any very persuasive rebuttal of the Court’s reduced estimate of the perils from sedition and subversion; the impression remained that Mr. Burnham’s phrase was accurate—what the critics were objecting to was the “sabotage,” not of the national security, but of the “measures” which had been adopted in its name.

## THE PRAGMATIC ISSUE

Here the really basic issue seems to be whether the courts, in placing some curbs upon the measures, have materially weakened any defenses really demanded by the requirements of the national security. To their critics they have been destroying the protections painstakingly erected against Communist subversion, flinging open the gates to all the perils apprehended from it. It is not really responsive to reply that they have, nevertheless, restored in the process important parts of the old ramparts raised a century and a half ago against the dangers and injus-

tices inherent in any war on sedition and subversion. The basic problem is, precisely, how far these old ramparts may properly and justly be maintained in the face of modern conditions. It is a problem which can only be resolved by a calm, pragmatic analysis of the actual dangers (of both kinds) and of the new appraisals which the courts, to say nothing of larger and larger sections of public opinion, are putting on them.

The trouble is not so much that wrong answers are returned to these pragmatic issues; rather it is that they are not debated in rational terms and therefore are never answered at all.

As an example, one might cite the discussion of the port security program—involving the security screening of seamen. The Special Committee of the New York City Bar Association (the Bonsal Committee) put a low estimate on the real dangers against which this program was capable of protecting the state, and recommended its abolition. The Commission on Government Security (Wright Commission) on the other hand strongly recommended the retention of the program as “necessary to protect United States shipping, ports, harbor installations and the Panama Canal from destruction and crippling damage by saboteurs and subversives.” In reaching this conclusion it did not dispute, or indeed, even notice the Bonsal Committee’s very different estimate, while its own estimate of the danger was certainly no contribution to the clear and rational discussion of this question.

The very phrase it used—“crippling damage by saboteurs *and* subversives,” later changed into “destruction from sabotage *or* subversive acts”—indicates a confusion of mind. What are the dangers from “subversives” and “subversive acts” which do not involve sabotage? The supporting statement that the dangers which led to the creation of the port security program “continue to confront the nation, as there is substantial Communist control of certain maritime unions” throws little light on what these dangers of “subversion” other than sabotage really are; though it may perhaps reflect the mixture of motives behind the passage of the Magnuson Act, which instituted the program.

Until the debate on this basic issue of the real nature and magnitude of the perils apprehended from subversion and sedition as such can be recast into more meaningful terms it will be impossible to come to any conclusion as to what are the true requirements of the common defense in this respect. It will be impossible to know to what extent, if any, the Eighteenth Century prohibitions on wars against sedition must be modified to meet the necessities of modern conditions. The courts, by holding in effect that they need not be modified to anything like the extent to which we have gone, have arrived at what is after all a rather rough rule of thumb decision. It would seem incumbent upon those who challenge it as imperilling the national security to give some better demonstration than they yet have done as to just how and why and in what degree it imperils real security. It is equally incumbent upon those who believe that these court decisions have not gone far enough in the restoration of ancient liberties to give some demonstration that the defense will not be imperilled by further reducing the safeguards against sedition.

# SECRECY AND SECURITY

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Those defensive measures which are directed primarily against subversion, rather than against the acts which it is supposed to incite, are in a sense negative in character. Interlaced with them are a series of more positive protections, raising for the free society issues of a superficially similar yet rather different kind. These include the elaborate measures now taken to preserve government secrets and to prevent sabotage, the legal penalties for unauthorized disclosure, and the police and intelligence systems used to detect and prevent actual espionage and treason, as well as to collect information concerning potential enemies.



## ESPIONAGE AND SECRECY

The foundation of the whole internal security structure is provided by the system for the "classification" of government and defense documents, weapons, machines, and so on. The need for some measure of governmental secrecy in the interests of defense and security has, of course, long been recognized. It was President Washington who established the right of the Federal Executive to withhold even from the Senate public papers the disclosure of which would not be in the national interest. The necessity for military secrecy in wartime has always been accepted, though in the past the United States was notoriously careless in such matters. Toward the end of the Nineteenth Century the increasing complexity of military technology, and the competitive war planning of the European general staffs, began to put an increasing premium on military secrecy and espionage even in time of peace. One of the items of information which Captain Dreyfus was wrongfully accused of transmitting to the Germans was technological, referring to the design of a new artillery recoil mechanism; another concerned the war plan—Plan XIII—then being developed by the French general staff. Led by the efficient Prussians, all the great powers began to develop elaborate secret intelligence, espionage, and counter-espionage networks. At the same time the development of revolutionary terrorist conspiracies in the autocratic empires made the secret political police operative a familiar figure. By the turn of the century, secrecy, espionage, and counter-espionage were becoming an increasingly necessary and normal part of the peacetime relations of the military powers.

The First World War greatly enhanced the American consciousness of military secrecy and its counterpart, espionage; but with the end of that "war to end war" the interest flagged. In the earlier interwar years, little attention was paid to the protection of information on weapons design, troop strengths, and so on. The armed services maintained intelligence and counter-intelligence branches and engaged in at least some

"covert" operations; but intelligence was normally staffed from the least rather than the most promising of the officer material. Within the government as a whole secrecy, for defense or other reasons, was at a minimum.

With the rising tensions of the mid-30's, however, interest in secrecy and secret operations dramatically revived. In 1936 President Roosevelt ordered the ~~FBI to~~ undertake a secret investigation of Communist and Fascist activities within the country, so as to provide him with a "broad intelligence picture." Secrecy for the government's own operations, especially in the military field, was greatly intensified. It is true that as late as December 1941 the *Chicago Tribune* could see nothing improper in publishing the highly secret strategic plans of the Army and Navy—a disclosure which would today ruin the greatest of newspapers. The fact that its motive was primarily political—the *Tribune* hoped to alter the Roosevelt Administration's interventionist policies, to which it was bitterly opposed—makes this an interesting illustration of the relationship between military secrecy and free, popular government. But with the attack on Pearl Harbor such publications became impossible.

The requirements for secrecy of many kinds during the Second World War were real and urgent. Voluntary censorship was established to enforce an increasingly regularized and extended system of classification or secrecy; the public was made secrecy conscious and overconscious by intensive campaigns of education and propaganda. The notion was driven home that the most useful military intelligence work is accomplished, not by cloak and dagger methods, but by the patient assembly of bits and pieces of information of seemingly the most innocuous character. The good citizen was taught to guard his tongue in everything, great or small, lest he contribute unwittingly to the deaths of American men in battle. The ~~FBI~~ extended its intelligence operations widely through Latin America, as well as through the United States. Great numbers of competent men were trained in the military and diplomatic intelligence services and in the OSS. Secrecy and secret operations became, it seemed, a major key to national survival.

The effects of this experience would in any event have carried over into the cold war period which ensued. But they were vastly exaggerated by the enormous popular interest in "the" secret of the atomic bomb. In the Atomic Energy Act of 1946 Congress not only decreed the first formalized loyalty-security personnel program; at the same time it decreed that *all* data concerning atomic energy and fissionable materials must be kept secret, except as the AEC might determine that they could be published "without adversely affecting the common defense and security." Under the shadow of our own creation, we thus entered the non-war period under almost an obsession with secrecy, in which misconceptions as to the nature and significance of the atomic secrets, jumbled with the experiences of the "shooting war" and hazy notions derived largely from the spy-thrillers of the pre-1914 period, were carried over into an unprecedented world situation to which many of these ideas were inapplicable.

## THE CLASSIFICATION SYSTEM

The result is the vast and spreading structure of governmental secrecy, regularized and formalized in the classification system. In its present form (established by the Eisenhower Executive Order 10501 of November 1953) this gives unrestricted authority to seven agencies — the Departments of State, Defense, Treasury, Justice, and Commerce, the AEC, and the CIA — to classify as "confidential," "secret," or "top secret" information the unauthorized disclosure of which "could be prejudicial" or worse "to the defense interests of the nation." In seventeen other agencies classification stamps may be affixed by the head of the agency alone; twenty-eight other agencies (ranging from the Battle Monuments Commission to the Veterans Education Appeal Board) are forbidden to classify on grounds of national defense or security, though they retain the powers normal to any public or private organization for safeguarding their files and controlling the release of information.

Information once classified, for whatever reason and whether of great or only trivial import, is protected by stringent penal statutes. For a government official to make unauthorized disclosure of classified material, or for a private individual to make such disclosure with intent to injure the United States or further the interests of a foreign power, may entail heavy fines and imprisonment. The classified secrets are perhaps even better protected by the wide popular notion—shared by administrators, courts, and juries—that they are all of equal value to the security of the state and that *any* breach of the classification system is in itself a serious threat to the national safety.

The Executive Order makes some attempt to define and restrict the categories of material which may be protected by these powerful sanctions. Thus, it authorizes the “secret” classification “only for defense information or material the unauthorized disclosure of which could result in serious damage to the Nation, such as by jeopardizing the international relations of the United States, endangering the effectiveness of a program or policy of vital importance to the national defense, or compromising important military or defense plans, scientific or technological developments important to national defense, or information revealing important intelligence operations.” The intent seems to be to confine this formalized structure of secrecy to three general categories of information: (1) on international negotiations and reports and on internal policy discussions and decisions; (2) on war plans, weapons design and performance, scientific and technical discoveries of direct military importance; (3) on intelligence, espionage, and counter-espionage operations. The categories are, however, far too loosely defined to be applicable in any given situation. “Endangering the effectiveness of a program or policy of importance to the national defense” seems almost meaningless, for example, since almost any governmental program may be thought to be of some relevance to the national defense, while the disclosure of almost any sort of information about it may be considered to “endanger its effectiveness.” There are, moreover, wholly legitimate reasons for governmental secrecy which seem not to fall within

even these broad definitions, but which nevertheless tend to expand the classification system—examples include secrecy for Treasury operations, to prevent individuals from improperly benefiting through advance information, or secrecy in personnel matters to avoid unjust injury to the individual.

The several agencies have, of course, endeavored to establish their own more precise criteria for the classification of information; but it still appears to be almost impossible, where there are so many authorized reasons for secrecy, to erect rational and meaningful standards. As a governmental spokesman recently said, in specific cases "judgment" becomes "the decisive factor," and judgments in the face of such conflicts of values as confront every classifying officer are bound to differ widely. With thousands if not tens of thousands of individual officers endowed with the authority to classify, with the official and popular obsession with secrecy almost for its own sake, with every pressure in favor of classification when in doubt and with virtually no pressure in favor of declassification or refusal to classify, it is inevitable that governmental secrecy should spread far beyond the bounds of the reasonable and necessary. Nearly everyone who has examined the subject has agreed with the Defense Department's own Committee on Classified Information (under Charles A. Coolidge) that there is a tremendous over-classification of documents. But in spite of elaborate regulations for restraint and declassification no one seems yet to have discovered an adequate means for controlling the process.

Secrecy breeds secrecy. An important example is the way in which Congressional committees have, because they find themselves dealing with classified matter, expanded their use of executive sessions and thus concealed their own operations from the scrutiny of their constituents. Secrecy for certain technological developments, because of their immediate military importance, invites secrecy for related developments, of less direct significance, and so on in widening circles. Where authorized reasons for secrecy are so numerous, it becomes easy to use secrecy for mere administrative convenience, for public relations, and so on. One would hesitate to criticize such admin-

istrative suppressions in themselves; it is only when they are supported by the tremendous legal and popular sanctions surrounding "the national security" that they become questionable.

When almost any bit of information about a country can conceivably be of some use to a potential enemy, it becomes difficult to discriminate between secrets which can be kept, secrets which cannot be kept, and secrets which are not worth keeping. In the *Sperry Gyroscope* cases, the company insisted that the whole of its plant, and not merely those areas in which classified work was going on, should be classified. It was seriously argued that a truck driver coming in simply to pick up packaged shipments might, if he were a Soviet agent, convey valuable information merely by noting the bulk, numbers, and addresses of the shipments. It is just possible that in time of war information of this kind might to some slight extent ease the work of a hostile intelligence service; it is incredible that in time of peace any Soviet intelligence agency would waste much time or effort in suborning truck-drivers to copy addresses on Sperry shipments, and certain that if they did so the military value of the information would be negligible. Presumably, the company's real reason for wanting the whole plant classified was to simplify the administrative and managerial tasks imposed by the complications of the security system itself, if not, as some believed, to enable it to bar from its plants employees whom it regarded for other than security reasons as "undesirable." The whole issue was irrelevant to the real security of the nation, but was solemnly debated as though it were.

## THE SECURITY POLICE

The classification system entails other consequences. The scope of the classification determines the scope of the personnel security screening system since (in the industrial security system wholly and to a large extent in the others) access to classified material determines who must be screened. The wider the reach of classification the more individuals must be screened, the

more numerous grow the personal files and dossiers, and — it might be added — the farther removed does the whole system become from its supposed job of protecting secrets of real significance to the security of the state.

The greater the mass and variety of classified material, the more elaborate must be the counter-espionage and counter-intelligence systems set up to protect it. And because counter-intelligence must by its very nature be largely secret, this breeds still more secrecy. In the name of the national security, the secret police and intelligence agencies claim a complete secrecy not just for some but for all their operations; they thus pass quite beyond the normal controls of publicity and debate which free societies are accustomed to apply to their major institutions. It was the imagined imperatives of national security which led to Captain Dreyfus' being tried and condemned in secret for crimes he did not commit. It is assumed that American intelligence agencies could never be guilty of so gross a transgression of justice and due process. But in the *Jencks* case (discussed in the preceding section) the Supreme Court felt constrained to issue what amounted to a warning.

In *Jencks* the Court held, in effect, that if the government (or the FBI) felt it necessary and desirable to place a man on trial, then it must accord him all his rights as a defendant. It was for the government to choose between the loss to security resulting from leaving an accused untried and the loss resulting from giving him a fair and open trial. The appeal to the "interests of national security" could not override even to this degree the Constitutional requirements of due process.

The reasoning was persuasive; but it did not seem so to the FBI and its more ardent Congressional supporters. Only the obsessive overvaluation of secrecy, espionage, and counter-espionage in the protection of the modern state could explain the immediate campaign that arose against the decision. A bill was introduced (finally enacted in modified form) to override the Court. J. Edgar Hoover intimated that dozens of cases against spies and subversives would have to be cancelled as a result of the decision. Fortuitously, a case developed at this

time against Rudolf Abel, allegedly the head of a Soviet spy ring. It was put about that the Supreme Court ruling would render a prosecution impossible. This hardly seemed logical at the time, since it was reported that the chief witness would be a defecting Russian agent whose prior reports could hardly have had much security value; and the government in fact went forward with the prosecution apparently unembarrassed by *Jencks*.

## THE COSTS OF SECRECY

The present great system of governmental secrecy and its concomitants of intelligence and counter-espionage have had adverse effects upon both the individual and the political freedoms of Americans which are obvious, though also, unfortunately, non-measurable. It has had some effect in hampering free scientific enquiry. This limits the individual freedom of the scientist to pursue his goal of ascertaining truth; it restricts the political liberties of the rest of us to enjoy, in our own defense, the fruits of an alert and powerful scientific advance. It clogs to some extent our technological progress. It reduces the individual liberty of the armaments manufacturer to advertise his wares, and secure acceptance of his products; it adds to his managerial difficulties and his costs. It is probable that for some scientific-technical defense projects, as much as one-third or more of the money costs may be absorbed by the direct and indirect requirements of security. If, as is generally the case, the money costs are passed back to the taxpayer, then they reduce his individual liberties by that extent, while they diminish his political liberties—his interest in defense—by the extent to which they hold up technological development of improved weapons systems.

Secrecy has personal and social consequences which are not negligible: The classified research contract divides academic communities, reduces their freedom of thought and communication, introduces the great class distinction between the



"cleared" and the "uncleared." It erects barriers within the most intimate of all social organisms, the family, by dividing husband from wife. Probably few who have not engaged in top secret work can appreciate the personal and social and educational consequences of a situation in which a husband cannot even mention to his wife or children the matters which engage his whole working time and energy.

Secrecy affects the political liberties of all. It closes off, not only the operations of the secret agencies, but the work of the most important organs of public policy formation from the scrutiny of the public for whom they profess to act. The classification system was recently defended by a government spokesman on the ground that after all it made little difference, since most of its secrets, while hidden from the public, were disclosed to the public's representatives in executive sessions of the Congressional committees. The representatives could adequately guard whatever public interest there might be in the information. This, of course, quite overlooks the important public interest in checking upon the representatives; it is another example of the tendency of modern big government to revert to authoritarian concepts which, while acceptable in the early days of parliamentary and representative institutions, when legislative sessions were normally secret, seem hardly consonant with the free society of today.

Secrecy is the foundation of the current system of government by "leaks." It is the unlovely parent of the calculated leak no less than of the calculated suppression. A good example may be found in the figures on Soviet airplane production. American intelligence has, presumably, fairly accurate statistics. There are valid reasons for not releasing these statistics as official statements. They may be wrong, in which case Soviet planners would be given a valuable insight into the basis for our plans; they may be precisely right, in which case the Soviet Union would be warned that chinks existed in its own armor of secrecy. But there is no particular reason for not letting the figures be known, so long as they do not carry authentication as the official estimates of the United States Government. Thus, partial and frag-

mentary intelligence statistics are readily "leaked" in support of one side or another of inter-service or inter-governmental policy disputes. The public, the supposedly final arbiter in great policy issues, is compelled to debate them on partial facts, the authenticity of which it cannot know. The result is conflict, not of policy but of propaganda, which would be impossible except for the original classification of all the relevant facts.

Secrecy is the parent of the secret police and intelligence operations. These affect our political liberties by the extent to which they make policy decisions dependent on secret intelligence material fed to the policy-makers. This, it may be said, is a subject about which little is known. All secret intelligence systems apparently endeavor in some degree to use their secret information as a weapon to influence policies; on the proven principle that "knowledge is power" those who possess (or imagine that they possess) superior knowledge are almost compulsively driven to employ it to enhance their own power and importance. On the other hand, the policy-makers are normally resistant to these drives. Whether in Hitler's Chancellery or the recesses of the American National Security Council, the policy makers don't read the intelligence reports, or don't believe them if they do read them, or don't agree with the policy conclusions which may be concealed within the "factual" estimates. The real significance of this aspect of "intelligence" in a free society has, so far as the writer is aware, barely been touched on by contemporary studies of government.

The promotion of the secret police and intelligence agencies to their present high estate within our community is bound to infringe the individual liberties of the citizen to some extent. The *Jencks* (and also the earlier *Coplon*) case may be cited in support, since here the courts in effect reprimanded the FBI for violating individual rights of defendants. Because the FBI and the military intelligence agencies have apparently removed themselves beyond any possibility of public examination or analysis it is not easy to speak with confidence on this subject. Many believe that J. Edgar Hoover occupies a position of power and influence in the community inappropriate, in a free society,

to the head of a secret police agency. Many others believe that his efforts to protect us from imminent dangers of sedition and espionage are so significant to the survival of the state that they should not even be questioned. The FBI and intelligence agencies do raise issues of importance to the free society. They are not issues easily dealt with.

These are some of the costs of secrecy in terms of individual and political liberty. Unfortunately, as has been said, they are not measurable; and if they were, the values would prove incommensurate with the gains to liberty which secrecy may bring with it. A different approach seems to be required. Perhaps it can be found through a better analysis, not of the costs of secrecy and espionage, but of their practical function and utility in the lives of modern states.

## THE FUNCTIONS OF INTELLIGENCE

There can be no doubt that the true role of secrecy, espionage, counter-espionage, and intelligence in contemporary international relations is widely misunderstood and grossly overvalued in contemporary attitudes. The old picture of the spy—despicable if he is working for the other side, heroic if, like Nathan Hale or an FBI informer, he is one of ours—whose machinations control the outcome of decisive battles or send thousands of soldiers to needless death, still dominates a complex of contemporary problems to which it has little relevance. The spy is probably the least significant of all figures involved in the great modern apparatus of intelligence, counter-intelligence, and secrecy. Historically, he never had half the importance attributed to him in myth and legend; today, when the real problem is not the detection of espionage but the sound formulation of strategic and national policies, he can have very little.

It seems impossible that a judge who had any real understanding of the actual operation of intelligence and espionage in the contemporary world could have sentenced the Rosenbergs to death on the ground that their criminal activities imperilled

the lives of millions. (The British, who, since they received Fuchs' confession, presumably know more than anyone else about the importance of his espionage, gave him only fourteen years.) "Intelligence," as it is gathered or guarded by all modern nations, is of two kinds—"overt" or "covert." Nine-tenths of all intelligence is of the overt kind; it represents the careful accumulation, comparison, and analysis of non-secret information culled from all kinds of sources. Into it may go the unguarded remarks of a foreign diplomat, data from the foreign technical press, the daily files of American news agencies and foreign correspondents, non-secret data of many kinds. During the Second World War American intelligence found that a useful source of information on the configuration of invasion beaches and their defenses could be derived from collecting tourists' vacation snapshots. In most intelligence agencies the published histories, reference books, statistical almanacs, and encyclopaedias are consulted far more often than the fragmentary reports of secret agents.

"Covert" intelligence is that which is secretly acquired, through secret agents—"spy rings"—established in the hostile country or, much more important today, through the secret interception of the other country's communications and the breaking of its codes. Most of the major wartime triumphs of covert intelligence were accomplished by this latter means, or by aerial photography. In active war, covert intelligence assumes a relatively greater importance than the overt kind; it is still remarkable how few and unimportant are the successes attributed in the literature to covert espionage by individual operatives.

Intelligence is often categorized in a different way—as "military," "strategic," or "counter-intelligence." Military intelligence in peacetime is concerned with penetrating another power's war plans, weapons design, numbers and locations of his troops, and with the identification of his vital strategic targets. Strategic intelligence is more broadly concerned with his national capabilities and intentions; it concentrates on political and economic information concerning him, the personalities

of his leaders, the opportunities for propaganda offensives. This division is not sharp. Military intelligence agencies must consider political and economic factors as well as those of a more strictly military kind; strategic intelligence agencies cannot, of course, overlook the other power's military capabilities. Both overt and covert methods are used by both types of intelligence, though perhaps in varying proportions. Counter-intelligence, the third of these categories, is almost wholly covert; it concentrates on penetrating the other power's intelligence systems, unmasking its agents, interrupting their activities or (rather more frequently, it would seem) utilizing them as sources through which to feed misleading information back to their principals.

Most works on these obscure subjects, and most public information which comes to light, suggest that counter-intelligence consumes a disproportionate amount of the time and energies of all intelligence systems. The double agent is so familiar a figure that one is led to wonder a little what the whole activity may add up to. One derives the impression that all the intelligence agencies are engaged in a kind of game, in which the detection and execution of the other side's agents is a much more important object than the interruption of the information they may be transmitting, most of which is of little practical consequence anyway.

Boris Morros (whom the Department of Justice produced for an interview at the height of the excitement over the *Jencks* decision) declared that he had been serving as a double agent for some twelve years. He said that "many of the agents working [in this country] for Russia are important people financially, and often held in high esteem." But except for Martha Dodd Stern and her husband, no such people have been named or indicted. Morros intimated that he had been feeding information to the Sobles and Albam, who have pleaded guilty to espionage, over a long period. Apparently, the FBI felt that it was a greater contribution to the national security to prolong this arrangement than to arrest and convict the spies. The inference is that the content of espionage is a relatively trivial factor

in security operations. The great goal has become security in the abstract; the specific dangers against which we must be made secure are of no great consequence.

It is a conclusion borne out by nearly everything available on peacetime secrecy and espionage. Considering the whole mass of peacetime intelligence and counter-intelligence operations—overt and covert, military and strategic, that which the Russians collect on us and which we collect on the Russians—one cannot feel that it is of great importance in the present relations between the two powers. Strategic intelligence is likely to be more confusing than helpful, to both sides. Certainly, the great Soviet intelligence networks, largely concerned with strategic or political rather than with specifically military information, seem to have given the occupants of the Kremlin a most imperfect view of the real intentions, capabilities, and governing policies of the Western powers. Our own elaborate intelligence summaries, devised in CIA, often go unheeded by the policy-makers for whom they are produced.

In the field of military intelligence there are some things which it is highly desirable that we know about the Russians, and some things which it is equally desirable that we conceal from them. We do need to know about their weapons designs, the numbers of their forces, and as much as we can about their war plans, if any. Without at least some fairly good data on these subjects it becomes impossible to formulate a rational American policy. However, the fact that the Russians, in order to formulate rational policies, need to know the same kinds of things about us does not mean that we must necessarily keep them all secret. Many have made the argument that a military policy founded, like our own today, wholly upon "deterrence" requires for its success that the potential enemy should have a clear knowledge of our power to deter him. There have been arguments, in Congress and without, over the wisdom of keeping secret the size and power of our atomic arsenal. As Louis Ridenour, former Chief Scientist for the Air Force, has succinctly put it: "Information on present military capability must reach the potential enemy to give the military capability any peace-

time value." Since our whole present national policy is directed not toward the waging of war but the preservation of peace, we must, it would seem, reconsider the problems of secrecy, espionage, and counter-espionage from the point of view of planning for peace. Disclosure as well as suppression has values. Even by the strictest tests of military power, secrecy has disadvantages as well as advantages, and some of the latter may in sober fact be utterly insignificant by comparison with the former.

## POSSIBLE LINES OF SOLUTION

The problems of freedom and liberty in this complex field are not readily resolved; but it would seem that solution would have to be looked for along certain avenues. One rough but very practical solution has been advanced. It would be simply to require that every classification stamp carry a time-limit. Today, once a paper is classified it automatically remains classified for eternity, unless it undergoes a complicated and always difficult process of de-classification. Under this proposal, the paper would automatically cease to be classified at the expiry of the time-limit, unless a similarly complicated and difficult process determined that the stamp should remain. The value of the suggestion is apparent; unfortunately, so is the likelihood that bureaucratic routine would soon overwhelm it and that to continue the classification would become as automatic a process as the original classification is now.

Effective solutions would seem to lie along the lines of, first, a genuine re-examination of the uses and effects of both secrecy and intelligence in the relations of modern peoples. It should be made with a clear understanding that, as has been suggested, the true problem here is not one of catching and punishing spies; it is a problem in the proper formulation and protection of over-all national policy. From such a re-examination it might be possible to proceed to a second step, a much more precise definition of the categories of information for which protection is really essential to the national security,

and a separation of all other forms of secrecy from the imperatives of security and the penalties imposed in its name. The present categories of "confidential," "secret," and "top secret" fail in two ways. They make no real distinction between the material involved—some, with experience in these matters, have said that they could see no effective difference in the security importance of the "confidential" and "top secret" information they have received; the designation seems largely a matter of administrative convenience, since more cylinder locks, guards, and similar precautions must be used with "top secret" than with "confidential," and these protections can make business impossibly time-consuming. The categories likewise fail in leaving to the administrator no good method of controlling information which for administrative or other reasons ought to be kept confidential, but concerning which the national security significance is minimal or non-existent.

The entire secrecy system needs clearer definition as to aims, purposes, and uses; it needs greater flexibility in practice. It should be purged, if possible, of extreme concepts of an impossible total security. The fact that almost any piece of information about American technical advances might be of some assistance to Soviet war industry does not warrant efforts (such as that set up, but now happily abandoned, in the Department of Commerce) to keep all kinds of non-classified technical information from falling into the hands of the Russians. The fact that it is conceivable that a truck-driver might be a Soviet agent, that he might as a truck driver acquire some information about the shipments from a defense plant, and that this information might just possibly assist the Russians in following our war preparations, is in itself no argument for screening all defense plant truck drivers to ensure that none had any Communist associations in his background. It is perhaps true that in time of active war bits of apparently innocuous information picked up by a secret agent can lead to lamentable results—though it is remarkable how few are the reported cases of this kind, even in wartime, when, as has been said, most of the significant intelligence triumphs were obtained



through penetrating the enemy's electronic communications or through photographic analysis. In peacetime, after one has traced a bit of either overt or covert intelligence back through the hostile power's intelligence nets, back through his services of evaluation and distribution and through the minds of his policy makers, it is extremely difficult to say what if any value, military or political, the intelligence was to him and what was the justification of the efforts of secrecy and counter-espionage intended to keep it from him.

A sense of proportion is badly needed as to what we endeavor to protect from either covert or overt penetration. A sense of proportion is likewise needed as to how we protect it. The government should have recognized rights to control and keep confidential many types of official information, but it should also have recognized means of doing so without invoking the whole ponderous machinery of classification and the penalties attached to it. Its secret intelligence and police agencies should not be left totally beyond any form of public scrutiny or accountability; admitting that we must have intelligence and secret police agencies and that much of their work must be kept secret if it is to be effective, they should not be allowed the extreme, and on the face of it unwarranted, claim that any breach whatever in the secrecy of their operations constitutes a grave peril to the security of the state.

Secrecy, espionage, and counter-espionage are factors grossly overvalued in their actual effect on the relations of modern states, on the formulation of policy, and on the strength of the common defense. In times of non-war, especially, they constitute little more than nuisances, which no doubt have to be put up with in some degree, but could be greatly reduced without in any way adversely affecting the destiny of the American people. With a calmer view of the whole subject they can be reduced, and, as *Jencks* indicates, their many impacts on individual liberties and civil rights can also be reduced to acceptable levels.

100-391697-481

## Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. TOLSON, *Keyfile*

FROM : G. A. NEASE *NY*

SUBJECT: FUND FOR THE REPUBLIC

DATE: December 30, 1957

Tolson \_\_\_\_\_  
 Boardman \_\_\_\_\_  
 Belmont \_\_\_\_\_  
 Mohr \_\_\_\_\_  
 Nease \_\_\_\_\_  
 Parsons \_\_\_\_\_  
 Rosen \_\_\_\_\_  
 Tamm \_\_\_\_\_  
 Trotter \_\_\_\_\_  
 Clayton \_\_\_\_\_  
 Tele. Room \_\_\_\_\_  
 Holloman \_\_\_\_\_  
 Gandy \_\_\_\_\_

On October 24, 1957, Stanley Tracy furnished information to the effect that one [redacted] called at the Moss Subcommittee Staff of the House of Representatives and stated she was working for a man who was described as [redacted] who has a grant from the Fund For The Republic and is making a study of the Moss, Coolidge and Wright reports from a security angle. She was particularly interested in finding out how many ex-FBI Agents were on the staff of the Commission on Government Security. She subsequently indicated to our source of information that a member of the Moss Subcommittee Staff told her that at least 60 per cent of the Wright commission were FBI Agents.

Tracy has subsequently checked with his informant in this matter and although they did talk to [redacted] subsequently, she did not disclose the identity of her principal or anything else about the work she is doing.

cc - Mr. Boardman  
 cc - Mr. Belmont

GAN:ejp  
 (4)

RECORDED - 67

INDEXED - 67

EX-135

100-391697-4182

20 JAN 3 1958

CRIM REC

67 JAN 8 1958

b6  
 b7C

b6  
 b7C

December 31, 1957

Mr. Tolson	✓
Mr. Boardman	✓
Mr. Belmont	✓
Mr. Mohr	✓
Mr. Nease	
Mr. Parsons	
Mr. Rosen	
Mr. Tamm	
Mr. Trotter	
Mr. Clayton	
Tele. Room	
Mr. Holloman	
Miss Gandy	

MR. TOLSON:

b6  
b7C

*Fund For The Republic*

Attached hereto is a copy of a letter Tracy received from [redacted] commenting on the Fund for the Republic pamphlet entitled, "Individual Freedom and the Common Defense," by Walter Millis. Tracy thought you and the Director might be interested in this letter.

RECORDED - 33

Respectfully,

*G. A. Nease*  
G. A. NEASE

100-391697-483

JAN 7 1958

EX. - 126

51 JAN 10 1958

2-ENCLOSURE  
Enclosure  
GAN:jmr  
(2)

TRUE COPY

b6  
b7C

December 26, 1957

Mr. Stanley J. Tracy,  
4800 College Avenue,  
College Park, Maryland.

Dear Stan:-

U.S.A.  
I am enclosing herewith a Fund for the Republic pamphlet, gotten out by one Walter ~~Millis~~, and thought it might be useful. If you will read it, and send me your observations and then send it on to Mickey and ask him to do the same, I would appreciate it. It is full of such tricks as the "Security Police". You will observe too, that it takes several cracks at the Commission.

How in the world men who are supposed to be on the Board of Directors of this thing, will permit this kind of tripe to be sent around is beyond my understanding.

Look on page 60 where this fellow Millis tries to make a great ado about our changing phraseology. He says we have a "confusion" of mind and inferentially gives a big boost for the Bonsal Committee Report. He applauds the Supreme Court and the Jencks case, etc.

I cannot understand this kind of pink preachment being approved. One would think that the man objects to having laws against sedition, espionage and treason. I do not know who Walter Millis is, but I imagine that in the back of your mind and the mind of Mickey, there is some cataloging that would be interesting for the Board of Directors and the Central Committee to be advised about.

Hastily and sincerely,

b6  
b7C

LW/AG  
Enc -

TRUE COPY

100-391697-483  
ENCLOSURE

OFFICE OF DIRECTOR  
FEDERAL BUREAU OF INVESTIGATION  
UNITED STATES DEPARTMENT OF JUSTICE

17 January 1958

Mr. Tolson \_\_\_\_\_  
Mr. Boardman \_\_\_\_\_  
Mr. Belmont \_\_\_\_\_  
Mr. Mohr \_\_\_\_\_  
Mr. Nease \_\_\_\_\_  
Mr. Parsons \_\_\_\_\_  
Mr. Rosen \_\_\_\_\_  
Mr. Tamm \_\_\_\_\_  
Mr. Trotter \_\_\_\_\_  
Mr. Jones \_\_\_\_\_  
Mr. Clayton \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Mr. Holloman \_\_\_\_\_  
Miss Holmes \_\_\_\_\_  
Miss Gandy \_\_\_\_\_

✓ Dear Edgar -

I was delighted to see that you are getting some small recognition of what you have done for all of us.

Incidentally, as you probably know, the Fund for the Republic offered the Bar Association (NYC) money to finance an investigation of the Bureau.

The proposal was unanimously defeated with a dull thud.

My very best,

/s/

[Redacted Signature]

b6  
b7C

COPY:hbb

*no action  
it leaves  
open to be  
filed  
1-11-58  
100-391697  
FFR*



b6  
b7c

17 January 1958

Dear Edgar -

I was delighted to see that you are getting some small recognition of what ~~me~~ you have done for all of us.

RECORDED - 37  
INDEXED - 37  
EX - 140  
100-391697-484  
Incidentally, as you probably know, the ~~fund~~ for the Republic offered the ~~Bar Association~~ (MYC) money to finance ~~investigations~~ of the Bureau.

16 FEB 6 1958

52 FEB 13 1958

~~52 FEB 13 1958~~

## Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Nease

DATE: January 13, 1958

FROM : M. A. Jones

SUBJECT: CARROLL B. COLBY;  
INFORMATION CONCERNING  
WILBUR H. FERRY AND THE FORD  
FUND FOR THE REPUBLIC

Tele. Room \_\_\_\_\_  
 Mr. Nichols \_\_\_\_\_  
 Mr. Boardman \_\_\_\_\_  
 Mr. Belmont \_\_\_\_\_  
 Mr. Mohr \_\_\_\_\_  
 Mr. Parsons \_\_\_\_\_  
 Mr. Rosen \_\_\_\_\_  
 Mr. Tamm \_\_\_\_\_  
 Mr. Trotter \_\_\_\_\_  
 Mr. Nease \_\_\_\_\_  
 Tele. Room \_\_\_\_\_  
 Mr. Holloman \_\_\_\_\_  
 Mr. Gandy \_\_\_\_\_

By letter dated January 9, 1958, Carroll B. Colby (free-lance writer and newspaper columnist in Briarcliff Manor, New York, who is a staunch supporter of the Bureau and the Director) has forwarded an editorial which appeared in the Ossining, New York, "Citizen Register" on December 31, 1957, and a critical letter concerning this editorial by Wilbur H. Ferry which was published in the "Citizen Register" on January 2, 1958. The editorial is based upon the press release which was issued December 29, 1957, regarding the Bureau's accomplishments in the 1957 calendar year. It is extremely favorable to the Director and quotes portions of the press release dealing with accomplishments of FBI informants, public complacency toward domestic threats to our internal security, and the importance of citizen cooperation. The editorial criticizes communists who have hidden behind the Fifth Amendment and other persons who have hesitated to furnish information. It points out that "anti-anti-communists" continued to oppose those who openly fight communism. The editorial concludes, "Scratch an anti-Hoover person and you'll usually find a pro-communist."

In his letter to the "Citizen Register" which was published on January 2, Ferry accuses that newspaper of suggesting "that it is heresy (treason) to criticize Mr. Hoover; a view, incidentally, that he seems to share. Ferry accuses the newspaper of accepting the Director's "assertions" without asking him to prove them. He states that the Communist Party "appears to be falling apart at the seams." He questions why more spies and saboteurs are not brought forth for trial if they constitute a great threat. He admits that law enforcement agencies need informants but states that "this is surely no reason for you or him to seek to raise informing to the status of an accepted American vocation or a wholesome neighborhood practice." He also infers that there is a potential danger that highly organized and secret police might arise in the United States.

Enclosures (2)

cc - Mr. Belmont

cc - Fund for the Republic File 100-391697

(Continued on next page)

NOT RECORDED

FEB 12 1958

64 FEB 12 1958

ORIGINAL FILED IN

Ferry, of course, has been one of the central figures in the Fund for the Republic for several years. In 1956, Colby contacted the Bureau to express his concern and that of other Briarcliff Manor citizens concerning Ferry and an "Essential Ideas Seminar" to be introduced at the local high school. Colby explained that Ferry was on the local school board and had been a central figure in establishing the "Essential Ideas Seminar." This Seminar involves films produced by Mortimer Adler under the auspices of the National Education Television Center at Ann Arbor, Michigan. Adler, of course, reportedly has expressed views in support of world government even at the expense of abolishing the United States. Colby also has noted that Ferry was instrumental in having the local school board oppose a suggested state regulation that all school board members take a loyalty oath.

The Bureau confidentially furnished Colby public source information concerning Adler, Ferry and the Fund for the Republic in 1956. At that time, the American Legion was leading a fight to oppose the "Essential Ideas Seminar." Ferry and his supporters, however, succeeded in <sup>winning</sup> ~~winning~~ the controversy -- although critical material concerning Adler, Ferry and the Fund for the Republic was circulated in the Briarcliff Manor vicinity primarily by the American Legion-- at that time.

#### RECOMMENDATIONS:

(1) That the attached letter be sent Colby, expressing appreciation for his courtesy in sending the two clippings from the "Citizen Register" and advising him that Ferry's remarks do not come as a surprise. This letter is marked "Personal" and forwards him a copy of a letter to the "Citizen Register" concerning the favorable editorial.

(2) That the attached letter be sent to the "Citizen Register" commenting upon the public service rendered by the editorial captioned, "If in Doubt, Call the FBI." This letter points out that one of the responsibilities of a citizen is not only to obey the laws but also to assist in their enforcement; that a peculiar cult exists which would have persons practice a hollow-type of citizenship by not reporting pertinent facts to their law enforcement agencies. The letter to the "Citizen Register" makes no reference to Ferry's letter. In this regard, it is not felt that the Director should lower himself to acknowledge Ferry's statements; nor does the editorial page of the "Citizen Register" appear to be a proper platform for such an exchange.

*I suggest letter be shown to Nathan Austin*

*John J. [redacted] both letters with Austin.*



January 14, 1958

Mr. Joseph L. Naar  
Editor  
The Citizen Register  
7 St. Paul's Place  
Gosling, New York

Dear Mr. Naar:

My associates join me in expressing appreciation for the public service which you have rendered by the publication of your editorial, "If In Doubt, Call The FBI," on December 31, 1957.

Without the assistance of alert citizens, America's law enforcement agencies cannot hope to meet the dual threat of crime and subversion which now confronts this country. In a democracy such as ours, laws are enacted to promote and protect the welfare of all decent citizens. In the final analysis, it is an inherent obligation of good citizenship not only to obey these laws, but also to assist in their impartial enforcement.

Your intelligent understanding of these facts is most welcomed during this era when a peculiar class of agitators strives to confuse the thinking of loyal Americans on this very issue. I refer to that highly vocal element which challenges the propriety of reporting facts regarding criminal or subversive activities to the appropriate law enforcement authorities.

These false prophets would ask their fellow Americans to practice a hollow type of citizenship. Basically, their philosophy is to enjoy all the rights and privileges which are guaranteed to us under our democracy without practicing the traits of good citizenship which dictate that crimes be reported promptly and that persons come forward with the facts which will assist in identifying the criminal and subversive enemies who prey at our Nation from within.

cc - New York, with copy of editorial

cc - Mr. Belmont

cc - Fund for the Republic File

GWG:rew

(10)

100-391697

NOT RECORDED

133 JAN 16 1958

(Continued on next page.)

67 JAN 16 1958

BEST COPY AVAILABLE

Mr. Joseph L. Naar

In matters involving the welfare of our country and its citizens, each of us has a sacred responsibility to promote the common good. Loyalty to former acquaintances or associates is sorely misplaced when it interferes in any manner with the loyalty to one's country and fellow citizens which underlies assisting in the enforcement of the laws of a free people.

Sincerely yours,  
J. Edgar Hoover

NOTE: This is enclosure to memorandum from M. A. Jones to Mr. Nease dated 1/13/58 captioned "Carroll B. Colby, Information Concerning Wilbur H. Ferry and the Ford Fund for the Republic." Name of Naar and address of "Citizen Register" per 1957 edition of "Editor and Publisher."

BEST COPY AVAILABLE

January 14, 1953

PERSONAL

Mr. Carroll D. Colby  
1120 Road  
Briarcliff Manor, New York

Dear Mr. Colby:

Thank you for the thoughtfulness which prompted you to write me on January 9, 1953. I read the two clippings from the Cushing, New York, "Citizen Register" with great interest. Your comments concerning these two items clearly indicate that you and other informed citizens of the Briarcliff Manor vicinity are alert to potential threats to America's security from any source.

Frankly, on the basis of Wilbur H. Perry's record as an official of the Fund for the Republic, I am not in the least surprised at the remarks contained in his letter to the "Citizen Register." There continues to be an abundance of false prophets who would have the American people believe that the Communist Party, USA, is separate and distinct from its counterparts in other areas of the world. Not only is the Communist Party a trusted member of the international conspiracy against God and freedom, but it remains the largest subversive organization within the United States.

It is Mr. Perry's prerogative to close his eyes to the words and deeds by which communists in the United States have proclaimed their dedication to the Marxist-Leninist objective of world enslavement. It also is his prerogative to be repulsed by the thought that patriotic citizens will come forward with information to assist in protecting against the overthrow and destruction of our Government by force and violence. For him to counsel others to share these views, however, is a great disservice to the cause of freedom.

cc - Mr. Belmont

cc - Fund for Republic File

GWG:pyl:amg (7)

NOT RECORDED  
133 JAN 16 1953

67 JAN 16 1953

BEST COPY AVAILABLE

Mr. Carroll B. Colby

My associates and I are most grateful for your continuing support and confidence. In view of your kindness in forwarding me a copy of the editorial which appeared in the "Citizen Register" on December 31, 1957, I am enclosing a copy of the letter which I am sending to that newspaper today.

Sincerely yours,

J. Edgar Hoover

Enclosure

NOTE: Address per mailing list. This is enclosure to memorandum from M. A. Jones to Mr. Nease dated January 13, 1958, and captioned, "Carroll B. Colby, Information concerning Wilbur H. Ferry and the Ford Fund for the Republic."

Tolson \_\_\_\_\_  
 Nichols \_\_\_\_\_  
 Boardman \_\_\_\_\_  
 Belmont \_\_\_\_\_  
 Mohr \_\_\_\_\_  
 Parsons \_\_\_\_\_  
 Rosen \_\_\_\_\_  
 Tamm \_\_\_\_\_  
 Trotter \_\_\_\_\_  
 Nease \_\_\_\_\_

UN-AMERICAN ACTIVITIES UNIT CALLS IT PROPAGANDA AGENCY

# Report Urges Fund for Republic Be Stripped of Tax-Exempt Status

By JACK STEELE

Scripts-Howard Staff Writer

A staff report prepared for the House Committee on Un-American Activities recommends that the Government rescind the tax exemption of the controversial Fund for the Republic, it was learned today.

The report, which has not yet been acted on by the committee, is the outgrowth of a secret investigation of the Fund ordered in 1956 by Chairman Francis E. Walter (D., Pa.).

When it is submitted to the committee in a few weeks it may touch off a battle, but a majority of the members apparently are prepared to sign it.

## Challenge

The report will reveal that "working level" officials of the Internal Revenue Service challenged the Fund's tax-exempt status nearly a year ago and urged that it be revoked.

Their recommendation has been gathering dust in the Office of the Revenue Service's chief counsel, according to the report.

The committee staff's proposal that the Fund's tax exemption be cancelled is based on charges that it has engaged in many "propaganda" activities. The charges

are documented by detailed citations from projects, books and pamphlets the Fund has financed and published.

## Code

The revenue code provides that an organization is entitled to tax exemption only if "no substantial part" of its activities is devoted to "carrying on propaganda or otherwise attempting to influence legislation."

Fund officials insist it has engaged only in "educational" ventures which are permissible for tax-exempt groups.

Drawing the line between "propaganda" and "educational" activities is one of the Revenue Service's toughest problems. In determining whether organizations are entitled to tax exemption.

The Fund for the Republic has been called a "wholly disowned subsidiary" of the Ford Foundation, which created it five years ago with a gift of \$15 million.

The Fund has been in continuous hot water ever since.

## Purpose

Its avowed purpose, until its program was shifted last year, was to safeguard American civil liberties.

Its biggest expenditures were for studies of congressional investigations and communism and to promote civil rights in the South.

Last fall it shifted to a somewhat less controversial program, launching a series of studies intended to "clarify

the basic issues of American freedom."

## Report

In 1956 the Committee on Un-American Activities sharply criticized the Fund at hearings devoted to a report on movie and TV "blacklisting" written for the Fund by John Cogley.

Fund officials protested at the time that they were given no opportunity to answer the committee's charges. But the

committee did not then raise any questions about the Fund's tax exemption.

Fund officials insist they have not been aware that either the committee or the Revenue Service was investigating the organization's tax-exempt status.

The Revenue Service, they say, has made only routine auditing checks of expenditures. The Fund has spent nearly \$9 million of its capital and still has some \$8 million to go.



REP. WALTER

Wash. Post and Times Herald \_\_\_\_\_  
 Wash. News pg 2 \_\_\_\_\_  
 Wash. Star \_\_\_\_\_  
 N. Y. Herald Tribune \_\_\_\_\_  
 N. Y. Journal-American \_\_\_\_\_  
 N. Y. Mirror \_\_\_\_\_  
 N. Y. Daily News \_\_\_\_\_  
 N. Y. Times \_\_\_\_\_  
 Daily Worker \_\_\_\_\_  
 The Worker \_\_\_\_\_  
 New Leader \_\_\_\_\_

Date 2-3-58

ENCLOSURE 100-391697-485





By PAUL HEALY

Washington, Feb. 3.—Two hot reports by subversive-chasers will put two forgotten Congressional committees back in the headlines at least briefly in the next few weeks. The Senate Internal Security subcommittee and the House Committee on Un-American Activities have been languishing in the doldrums and they want out.

The trouble is that most of the visible American Communist Party members are in jail or on the run. And competition with other news has been stiff. For the last year or so Congress has been training its biggest floodlights on racial segregation, the Pentagon, sputniks and labor skates. So that spies, real or alleged, now seem to belong in another era.

The Internal Security subcommittee couldn't spend all its \$289,000 appropriation in 1957, and this month it asked for, and received, \$80,000 less than that. This virtually amounts to heresy on Capitol Hill. Also, its chief counsel, Robert Morris, resigned to run for the Republican nomination to the U. S. Senate in New Jersey, disgustedly convinced that the Administration wanted to put a damper on disclosures of coddling of Communist-slanted officials by our allies.

Now, in its over-all report on 1957, the subcommittee is about to back up Morris' sentiments. The report strikes directly at the Administration, charging it with failure to push hard against subversives in this country or in the Western alliance. The subcommittee has until Feb. 21 to approve the report and at least one pro-Ike member of the group is dragging his feet on signing it.

Chairman Francis Walter (D-Pa.) of Un-American Activities feels that Communist-exposing is more important than ever because of the threat now posed by Russian super weapons. He was pleased that the House voted to give the committee \$305,000 recently with only two "No's" on a voice vote.

Walter two years ago turned his investigation on the Fund for the Republic. The lack of admiration between the two groups is mutual and the fight will start all over again soon. A 143-page staff report on the committee's two-year probe attacks the fund in language seldom used by a Congressional committee against a body of respectable citizens.

The report has not yet been approved or even seen by the committee members. Possibly, but not probably, it will be toned down. And Walter intends to add some material of his own which he says proves that the fund has engaged in a form of "lobbying."

Specifically, the committee will ask the Treasury Department to remove the fund's tax-exemption status as an "educational" organization. The fund, which got \$15 million from the Ford Foundation to study civil liberties in the United States, has been spreading its own brand of "propaganda," not "education," the investigators say.



Robert M. Hutchins  
He gets rough handling

Tolson ✓  
Boardman ✓  
Belmont ✓  
Mohr ✓  
Nease ✓  
Parsons ✓  
Rosen ✓  
Tamm ✓  
Trotter ✓  
Clayton ✓  
Tele. Room ✓  
Holloman ✓  
Gandy ✓

BAUMGARDNER

File 100-391697-A  
FIR

Wash. Post and Times Herald \_\_\_\_\_  
Wash. News \_\_\_\_\_  
Wash. Star \_\_\_\_\_  
N. Y. Herald Tribune \_\_\_\_\_  
N. Y. Journal-American \_\_\_\_\_  
N. Y. Mirror \_\_\_\_\_  
N. Y. Daily News ☒   
N. Y. Times \_\_\_\_\_  
Daily Worker \_\_\_\_\_  
The Worker \_\_\_\_\_  
New Leader \_\_\_\_\_

Date \_\_\_\_\_

100-391697-485 ENCLOSURE

FEB 4 1958

The fund's controversial study of "blacklisting" in the entertainment industry, the report says, "is additional proof of the fact that the \$15 million grant has been used mainly to destroy individuals and institutions who have exercised any initiative in fighting against international Communism."

The report deals roughly with fund President Robert Maynard Hutchins, onetime "boy wonder" president of the University of Chicago, and Paul Hoffman, former fund chairman and ex-foreign aid chief.

The staff findings chide the fund for "concealing" its report on Hutchins' three-year-old project to find out whether American schoolteachers cannot do their best work because they are "fearful of losing their jobs." They charge that fund documents "reflect" that the "restrictions and assaults" on academic freedom studied in the project "were tied into the degree Communism was responsible for them."

#### **Fund Reported Sore About TV Snub**

The staff report says the fund is miffed because it has been unable to get its stuff on TV. The Hutchins group, it explains, "has spent several hundred thousand dollars in an effort to encourage the presentation on the American television screen of drama which represents the perpetuation of the fund's way of life. The winning scripts in the fund's contest for TV plays relating to the subject of civil rights and civil liberties were made available to radio and television networks." The fund has bitterly complained over the unwillingness of the radio and TV networks to adapt these works for network presentation.

The report suggests that the fund is sore because television producers apparently do not think much of Hoffman as a TV scout. It recalled that Hoffman at a dinner in the Waldorf-Astoria in August, 1955, expressed his "confidence" that the TV industry would find the winning scripts "eminently suitable for production."

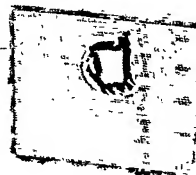
The report says Hoffman "has opposed loyalty security programs for many years, calling the loyalty test 'silly and unsound'."

The investigators condemn the fund for the practice of hiring and giving fellowship aid to persons with Hoffman's views and those with outright left wing backgrounds. "Objectivity, not prejudice," is what Congress wanted from organizations when it granted them tax exemption, the report says.

#### **Might Write Finish to Fund**

Internal Revenue Service officials at the "working level" reportedly challenged the tax exempt status of the fund a year ago, but nothing has been done about it. Loss of its tax exemption apparently would put the fund out of business. The House report notes that the Ford Foundation trustees wrote a safeguard condition into their grant to the fund back in February, 1952, a few months after the fund was created.

This condition provides that if the fund should ever lose its tax exempt status it must immediately kick back to the foundation what ever is left of the \$15 million.



Orig & 1  
Yellow  
Mr. Belmont  
Mr. Gaffney  
Section

SAC, Washington Field Office

February 6, 1958

Director, FBI (100-391697)

**FUND FOR THE REPUBLIC**

The "Washington Daily News" of February 3, 1958, page 2 carried an article captioned "Report Urges Fund for Republic Be Stripped of Tax-Exempt Status," which reflected a staff report prepared for the House Committee on Un-American Activities recommended that the Government rescind the tax exemption of the Fund for the Republic. This news article indicated that the report was to be submitted to the House Committee in a few weeks and "a majority of the members apparently are prepared to sign it."

Another article in the "New York Daily News" of February 4, 1958, written by Paul Healy in a featured column, "Capital Circus," reflected this report to be a 143-page staff report which had not yet been approved, or even seen by the members of the House Committee on Un-American Activities.

The Washington Field Office is requested to make arrangements to obtain a copy of this report whenever the House Committee can make one available.

(100-391697-A)

*pwf/sfm*  
(6)

REC- 48

100-391697-485

FEB 7 1958

COMM - FBI  
FEB 6 - 1958  
MAILED 30

- Tolson \_\_\_\_\_
- Nichols \_\_\_\_\_
- Boardman \_\_\_\_\_
- Belmont \_\_\_\_\_
- Mohr \_\_\_\_\_
- Parsons \_\_\_\_\_
- Rosen \_\_\_\_\_
- Tamm \_\_\_\_\_
- Trotter \_\_\_\_\_
- Nease \_\_\_\_\_
- Tele. Room \_\_\_\_\_
- Holloman \_\_\_\_\_
- Gandy \_\_\_\_\_

MAIL ROOM

FEB 12 1958



## Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. A. H. BELMONT

DATE: January 28, 1958

FROM : MR. R. R. ROACH

SUBJECT: INDIVIDUAL FREEDOM AND THE COMMON DEFENSE  
BY WALTER MILLIS

Tolson \_\_\_\_\_  
 Nichols \_\_\_\_\_  
 Boardman \_\_\_\_\_  
 Belmont \_\_\_\_\_  
 Mohr \_\_\_\_\_  
 Parsons \_\_\_\_\_  
 Rosen \_\_\_\_\_  
 Tamm \_\_\_\_\_  
 Trotter \_\_\_\_\_  
 Nease \_\_\_\_\_  
 Tele. Room \_\_\_\_\_  
 Holloman \_\_\_\_\_  
 Gandy \_\_\_\_\_

The January 20, 1958, issue of the "Cincinnati Enquirer" carried an article on captioned booklet. The Director commented, "Let me see the report by Millis. H."

INDIVIDUAL FREEDOM AND THE COMMON DEFENSE

Attached is an 80-page booklet entitled "Individual Freedom and the Common Defense," which was written by Walter Millis and published by the Fund for the Republic, Inc., (FFR) in November, 1957. This publication severely criticized Government policies and made numerous derogatory references to the Director and the FBI. It minimized the threat of communism and ridiculed Government measures to combat communism. It depicted the 1949 trial of the Communist Party leaders as resulting from political pressures on the Truman Administration rather than from any violation of law. It pictured legislation against acts of treason, espionage, sabotage and violent revolution as justified but claimed that the legislation enacted was to suppress the "political beliefs" which advocated those acts. Thus they became "antisedition measures" and "at variance with the spirit if not the letter of the Constitution."

In the booklet Millis further stated that the fears of our society "received powerful reinforcement and exploitation from the pressures of personal ambition and partisan fury, from the tendency of a secret police to magnify their accomplishments and justify their function in society. . . ." On page 73 Millis clearly identified the FBI as "a secret police agency."

The over-all trend of Millis' booklet appeared to be an attempt to show that the Government had imposed intolerable restrictions upon individual freedom in the name of defense and security. It called for a revision of the internal security laws, a relaxation of secrecy in governmental operations, and de-emphasis of intelligence and counterintelligence operations. Millis attempted to justify this position by minimizing the communist threat to U.S. security and claimed that secrecy, espionage, counterespionage and intelligence were grossly overvalued.

EX - 131 REC-48

JJM:jlk (4)  
 1 - Mr. Belmont  
 1 - Liaison Section  
 1 - Mr. Middleton

Memo Belmont to Boardman dated 12/5/57 summarizes the booklet and is enclosed.

Enclosures (2)

5 FEB

8

100-421610-1  
 UNRECORDED COPY FILED IN

FEB 14 1958  
 61-7559-2-9625

Memo Roach to Belmont

RE: INDIVIDUAL FREEDOM AND THE COMMON  
DEFENSE, BY WALTER MILLIS

WALTER MILLIS

Millis was born March 16, 1899, at Atlanta, Georgia, and was graduated from Yale University in 1920. He was an editorial and staff writer for the "New York Herald Tribune" from 1924-1954 and is the author of several books and magazine articles. (Who's Who, 1956-1957)

Millis has not been investigated by the Bureau. He is a consultant for the FFR, was affiliated with the Institute of Pacific Relations (cited organization) from 1934-1943 and has been an unfair critic of the FBI.

In 1943 Millis was one of 700 who signed an open pro-Russian letter sponsored by the National Council of American-Soviet Friendship (designated by the Attorney General) and published in the "Daily Worker" (an east coast communist newspaper).

In about September, 1955, Millis denounced the Federal Security Program in a radio broadcast and in a magazine article. He was scheduled to speak at a conference sponsored by the National Lawyers Guild (cited Communist Party front organization) to be held in New York City on October 15, 1955. His speech was to deal with "loyalty-security and the laws." (100-421610)

In a letter to the "Boston Daily Record" on October 11, 1955, Millis wrote regarding the FBI that "if we have reached a point to which it is no longer allowable to describe as 'a secret police' an organization which is avowedly a police organization, avowedly operates in secret and is avowedly much concerned with political conspiracy then I think our liberties are in far more danger than I had supposed." (FFR Running Memo-II, pages 38 and 39).

An official of the "New York Herald Tribune" advised on December 14, 1955, that during Millis' employment with that paper Millis came close to following the Communist Party line in that he influenced the newspaper's policy to support strongly the Amerasia subjects. (FFR Running Memo-II, pages 45 and 46)

In an article published in January, 1957, Millis was critical of Don Whitehead's book "The FBI Story" and stated it "fails to supply the amount or kind of information about our secret

Memo Roach to Belmont

RE: INDIVIDUAL FREEDOM AND THE COMMON  
DEFENSE, BY WALTER MILLIS

police that would be necessary to gauge fairly its adequacy, its efficiency, its motivation, and its political and social implications." (FFR Running Memo-II, page 59)

ACTION:

None. For the Director's information.

*Handwritten signature/initials*

*Handwritten signature/initials*

*Handwritten checkmark and initials*

January 10, 1958

Mr. Tolson ☒  
Mr. Boardman ☒  
Mr. Belmont ☒  
Mr. Mohr ☒  
Mr. Nease ☒  
Mr. Parsons ☒  
Mr. Rosen ☒  
Mr. Tamm ☒  
Mr. Trotter ☒  
Mr. Clayton ☒  
Tele. Room ☒  
Mr. Holloman ☒  
Miss Gandy ☒

MR. TOLSON:

FUND FOR THE REPUBLIC

With reference to the attached matter, I think I should call SAC Burke and tell him that such requests should be referred to the Bureau and that he should not be passing out information as requested even if it does come from congressional sources. If Congressman Shelley is presently in San Francisco, Burke will be told to inform him that we have never investigated [redacted] and, accordingly, have no information which we can furnish him. If Shelley is in Washington, I will handle the matter myself. New York has been told not to furnish information to San Francisco regarding this matter.

Respectfully,

G. A. NEASE

Enclosure

GAN:jmr

(2)

ADDENDUM, GAN:hpf, 1/10/58 - 131

I called San Francisco and spoke with SA J. A. Conley who is acting in SAC Burke's absence. I advised him in line with the above. He stated that Congressman Shelley was in California at the moment and I, therefore, told him to courteously advise Congressman Shelley that we had never investigated Goldsmith and accordingly were unable to furnish him any background information.

6 FEB 20 1958

UNRECORDED COPY FILED IN 100-391697-487

DECODED COPY

Tolson \_\_\_\_\_  
 Boardman \_\_\_\_\_  
 Belmont \_\_\_\_\_  
 Mohr \_\_\_\_\_  
 Nease \_\_\_\_\_  
 Parsons \_\_\_\_\_  
 Rosen \_\_\_\_\_  
 Tamm \_\_\_\_\_  
 Trotter \_\_\_\_\_  
 Clayton \_\_\_\_\_  
 Tele. Room \_\_\_\_\_  
 Holloman \_\_\_\_\_  
 Gandy \_\_\_\_\_

☒ Radio☐ Teletype

URGENT 1-9-58

TO DIRECTOR AND SAC NEW YORK

FROM SAC SAN FRANCISCO 100014

[REDACTED] INFORMATION CONCERNING, INTERNAL SECURITY.  
 RE SAN FRANCISCO AIRTEL SEPTEMBER 6, 1956, ENTITLED FUND FOR THE  
 REPUBLIC, MISCELLANEOUS, INFORMATION CONCERNING, WHICH INDICATED  
 THAT [REDACTED] REPRESENTING THE FUND FOR THE REPUBLIC,  
 CONDUCTED AN INTERVIEW WITH WILLIAM SCHNEIDERMAN, THEN CHAIRMAN  
 OF THE COMMUNIST PARTY 13TH DISTRICT, REGARDING COMMUNIST INFLUENCE  
 ON LABOR UNIONS IN THE PAST. IN THE INTERVIEW [REDACTED] INDICATED  
 THAT HE WAS PRO LABOR UNION BUT ANTI COMMUNIST. CONGRESSMAN JOHN  
 F. SHELLEY OF CALIFORNIA, WHO WAS EXTREMELY ACTIVE IN LABOR UNION  
 MATTERS IN THIS AREA IN THE PAST, HAS INQUIRED OF THIS OFFICE  
 REGARDING THE IDENTITY, BACKGROUND AND CONNECTIONS OF [REDACTED]  
 [REDACTED] OF THE FUND FOR THE REPUBLIC, INC., 360 RIVERSIDE DRIVE,  
 NEW YORK 25. NEW YORK IS REQUESTED TO SURAD OR SUTEL BUREAU AND  
 SAN FRANCISCO NO LATER THAN 3:00 PM EST, JANUARY 10, A THUMBNAIL  
 SKETCH OF [REDACTED] AND UACB IT WILL BE PROVIDED TO CONGRESSMAN  
 SHELLEY.

b6  
b7C

RECEIVED:

8:56 PM RADIO

9:05 PM CODING UNIT JER

REC-24

EX-136

100-391697-488

12 FEB 13 1958

CC: MR. BELMONT  
 AND SUPERVISOR  
 DOM. INTEL. DIVISION

57 FEB 20 1958

If the intelligence contained in the above message is to be disseminated outside the Bureau, it is suggested that it be suitably paraphrased in order to protect the Bureau's cryptographic systems.

UNRECORDED COPY FILED IN 94-43277-1

Liaison

## Office Memorandum • UNITED STATES GOVERNMENT

TO : A. H. Belmont *ahb*

DATE: January 10, 1958

FROM : W. M. Mooney *WMM*SUBJECT:   
INFORMATION CONCERNINGb6  
b7C

Tolson	_____
Nichols	_____
Boardman	_____
Belmont	_____
Mohr	_____
Parsons	_____
Rosen	_____
Tamm	_____
Trotter	_____
Nease	_____
Tele. Room	_____
Holloman	_____
Gandy	_____

Attached SF radiogram 1/9/58 forwarded request of Congressman John F. Shelley for thumb-nail sketch of captioned individual who is affiliated with the Fund for the Republic.

Bufile 100-391697 serial 281, page 89 contains memo 9/9/55 captioned  Fund for the Republic." This memo reflects  communicated with the Bureau 2/23/55 and advised Fund for the Republic was then engaged in extensive research concerning the impact of communism in American institutions. He requested copies of certain publications. Bureau letter to  3/2/55 advised FBI did not have facilities to make material available, but had taken the liberty of having inquiries made at Library of Congress.\* Memo notes "Who's Who in America" - 1954-55; "Who's Who in World Jewry" for 1955; "Martindale-Hubbell Law Directory" for 1955; "Who's Who in New York" for 1938; and "American Men of Science" for 1949, were checked but no identifiable references to captioned individual located.

Bufile 100-391697 serial 425 reflects memo 9/17/56 regarding captioned individual indicating that SF by letter dated 9/6/56 advised that according to a technical surveillance on the Communist Party Headquarters at San Francisco, California, one  of New York, New York City, on 8/30/56 contacted William Schneiderman, Chairman, District 13 Communist Party, San Francisco, and said he was working on a book relative to the effect communism has had on labor. This was in connection with his study concerning the effect of communism on the American way of life. An interview was arranged for the following day.

On 8/31/56  again appeared at the office of Schneiderman regarding the above matter. The conversation recorded, for the most part, was inaudible. It, however, related to a general discussion regarding the above-mentioned book being written by  No significant statements were noted other than the fact that Schneiderman had criticized  for his critical writing in the past, presumably against the Communist Party (Tesur, SF 613-S; 100-391697) REC-24 100-391697-4189

1 - Mr. Belmont  
1 - Mr. Nease  
1 - Mr. Mooney

He was informed that it had been determined that the Library of Congress could make microfilm copies of the publications he requested.

Enclosure  
WMM:mpp (4)  
mpp

EX-136

Submittal memo to  
Tolson from Nease  
1-10-58 Gaffney

UNRECORDED COPY FILED IN

Memorandum to Mr. Belmont

RE: [redacted]  
INFORMATION CONCERNING

[redacted] appears to be identical with [redacted] who according to Bufiles is the assistant in charge of a project to study the communist influence in American life under [redacted] grant made by the Fund in November, 1953. Our files contain no additional pertinent information concerning [redacted] (100-391697-70, 281 encl. p. 89)

Bufile 94-43277 regarding Congressman John F. Shelley reflects memo 10/25/57 L. B. Nichols to Mr. Tolson which contains following background on Shelley:

John Francis Shelley, age 52, Democrat of the Fifth District of California (San Francisco), was elected in November, 1949, and has served continuously since. He is a member of the Appropriations Subcommittee of the House. His first wife died and he married [redacted] in June, 1953. They have two children, [redacted]

[redacted] We have not, of course, conducted an investigation of the Congressman. He has an LL.B. degree from the San Francisco Law School and has risen in the San Francisco-area labor movement started in the 1930's when he was a bakery wagon driver. In 1935 he became president of the Bakery Wagon Drivers Union and in 1936 vice president of the San Francisco Labor Council. From 1938 to 1942 he was a member of the California State Senate.

The Director has had past cordial correspondence with Shelley and has given statements the past several years to kick off the annual drive of The Guardsmen in San Francisco, an organization to assist underprivileged children. Shelley has been most appreciative. (94-42266)

Shelley's name recently appeared in the news as he was advanced as a candidate in opposition to James R. Hoffa for the Teamsters Union presidency. This action did not materialize although Shelley promised to be interested in the presidency if a housecleaning took place. Shelley is said to have an anti-Beck record. He had been approached by several Teamsters Union vice presidents with a "draft" offer to oppose Hoffa.

Search Slips re [redacted] and Shelley attached and available references reviewed and no additional information available which appears pertinent to this

Memorandum to Mr. Belmont

RE: [redacted]

INFORMATION CONCERNING

b6  
b7c

*12/4 Calif*  
inquiry. SA [redacted] NYO, telephonically requested to check New York indices regarding [redacted] and advised only information in New York files indicates on 2/7/57 a [redacted] called CP Headquarters from [redacted]. Subsequent check determined this phone listed to address [redacted] New York City. No further information contained New York files. The Congressional Directory, 85th Congress, First Session, March, 1957, indicates Congressman John F. Shelley is a member of the Appropriations Committee of the House (page 241). New York Office instructed to take no action concerning request in SF radiogram 1/9/58 and advised matter would be handled by the Bureau.  
ACTION:

That this memorandum be referred to Mr. Nease for appropriate handling in connection with Congressman Shelley's request. It is noted referenced radiogram requests SF be advised by 3 P.M., EST, instant.

*Asst*



2 - Mrig & L  
1 - Bellow  
1 - Mr. Belmont  
1 - Mr. Gaffney  
1 - Section

SAC, Washington Field Office

February 17, 1958

Director, FBI (100-391697)

FUND FOR THE REPUBLIC

Re: Remylet February 6, 1958, requesting WFO to make arrangements to obtain a copy of a 143-page report prepared by the staff of the House Committee on Un-American Activities.

Since a copy of this report was received through another source, WFO may disregard the previous request.

JJG:jmk (6)

NOTE: Instant report was received by Mr. DeLoach from Dick Arens, General Counsel for the HCUA on 2-13-58.

Tolson \_\_\_\_\_  
Nichols \_\_\_\_\_  
Boardman \_\_\_\_\_  
Belmont \_\_\_\_\_  
Mohr \_\_\_\_\_  
Parsons \_\_\_\_\_  
Rosen \_\_\_\_\_  
Tamm \_\_\_\_\_  
Trotter \_\_\_\_\_  
Nease \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Holloman \_\_\_\_\_  
Gandy \_\_\_\_\_

60 FEB 21 1958

MAIL ROOM

COMM - FBI  
FEB 17 1958  
MAILED 30

REC-98

100-391697-4190

10 FEB 13 1958

## Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Tolson

DATE: 2/13/58

FROM : G. A. Nease *GA Nease*

SUBJECT: FUND FOR THE REPUBLIC

Tolson	<input checked="" type="checkbox"/>
Boardman	<input checked="" type="checkbox"/>
Belmont	<input checked="" type="checkbox"/>
Mohr	<input checked="" type="checkbox"/>
Nease	<input checked="" type="checkbox"/>
Parsons	<input checked="" type="checkbox"/>
Rosen	<input checked="" type="checkbox"/>
Tamm	<input checked="" type="checkbox"/>
Trotter	<input checked="" type="checkbox"/>
Clayton	<input checked="" type="checkbox"/>
Tele. Room	<input checked="" type="checkbox"/>
Holloman	<input checked="" type="checkbox"/>
Gandy	<input checked="" type="checkbox"/>

The House Committee on Un-American Activities has completed 2 years of research and investigation into the captioned organization. This Committee has prepared a confidential report reflecting its findings. Dick Arens, General Counsel for the HCUA, told Mr. DeLoach on 2/13/58 that he was not at all satisfied with the report; however, it was the best they could do under the circumstances. He stated that Chairman Walter contemplated turning the report over to the Treasury Department with a recommendation that the Fund for the Republic no longer be considered as a tax exempt organization. Apparently no hearings will be held by the HCUA in this regard. The report will be made public at the time it is turned over to the Treasury Department.

There is attached a copy of the report which was obtained on a confidential basis. Arens specifically mentioned that a quotation had been taken from the Director's American Legion speech of September 19, 1957, in which the Director criticized "pseudo-liberals." Arens stated that Don Appel, who wrote the mentioned report, used this quotation to specifically state the Director was referring to the Fund for the Republic when he mentioned "pseudo-liberals." Arens was told that this reference should be taken out of the report and that the Director actually had in mind another organization at this particular time despite the fact that the "shoe might fit." Arens promised this would be done.

The attached report consists entirely of page proofs. It is suggested that the Domestic Intelligence Division review this report for any matter of interest to the FBI, and that the report be returned to my office so that it can be given back to Arens on a confidential basis. There is no doubt but what this report will be given considerable publicity within the very near future.

ACTION: As indicated above.

CDD:hpf

(4)

cc - Mr. Boardman

cc - Mr. Belmont

Enclosure

EX-126  
REC-78

14 FEB 28 1958

CRIM

4 28

57 MAR 4 1958

*Memo Belmont to Boardman  
2-19-58 re action  
lag*

*Report by Isy.  
De + A.C.*

OFFICE OF THE DIRECTOR • UNITED STATES GOVERNMENT

G. A. Henson

SUBJECT: CARROLL D. COLBY  
DISSEMINATION CONCERNING  
WILBUR H. FERRY AND THE FORD  
FUND FOR THE REPUBLIC

Mr. Tolson  
Mr. E. A. Tamm  
Mr. Clegg  
Mr. Glavin  
Mr. Ladd  
Mr. Nichols  
Mr. Rosen  
Mr. Tracy  
Mr. Carson  
Mr. Egan  
Mr. Gurnea  
Mr. Harbo  
Mr. Hendon  
Mr. Pennington  
Mr. Quinn  
Mr. Nease  
Miss Gandy

Pursuant to your suggestion and the Director's instructions, Mr. McGuire today showed Luther Huston the very favorable editorial which appeared in the Evening, New York, "Citizen Register" dealing with the Bureau's recent statements in 1937 as well as the nasty letter written to the editor by Wilbur Ferry of the Fund for the Republic which castigates the good editorial.

Before showing Huston the Director's reply to Carroll Colby and to the editor of the Citizen Register, Huston made the observation that the Director had clearly spoken numerous times and that a controversial figure like Ferry appeared to be recognized even in his home community as being controversial. Huston then read the Director's proposed reply and agreed wholeheartedly stating that he hopes Mr. Naar, editor of the Citizen Register, would publish the Director's letter and he thought it adroit that we did not, in our letter, make reference to Ferry's letter to the editor. Huston thought the matter was being well handled.

It is noted the Director has already signed the letter to Mr. Naar. The letter to Carroll Colby has not been signed.

NOT RECORDED  
141 FEB 12 1958

ORIGINAL COPY FILED IN 74

64 FEB 14 1958

## Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Boardman

DATE: February 19, 1958

FROM : A. H. Belmont

SUBJECT: FUND FOR THE REPUBLIC

Tolson	_____
Nease	_____
Boardman	_____
Belmont	_____
Mohr	_____
Parsons	_____
Rosen	_____
Tamm	_____
Trotter	_____
Nease	_____
Tele. Room	_____
Holloman	_____
Gandy	_____

Reference is made to the memorandum of G. A. Nease to Mr. Tolson dated February 13, 1958, which reflected that Dick Arens, General Counsel for the HCUA, made available to the Bureau on a confidential basis a copy of a confidential report prepared by the HCUA reflecting its findings after two years' research and investigation into the Fund for the Republic. Chairman Walter is contemplating turning the report over to the Treasury Department with a recommendation that the Fund's tax-exempt status be rescinded. The report will be made public when it is turned over to the Treasury Department.

A Photostat of this 143-page report has been made and is being reviewed in the Special Memo Unit of the Liaison Section on an expedite basis in view of the possible publicity it may receive.

The original has been delivered to Mr. Nease in order that it may be returned to Dick Arens.

ACTION:

The Special Memo Unit of the Liaison Section will afford continuous attention toward completion of the review of the HCUA report and will advise of any matters of interest to the Bureau.

JH:pwj (6)

- 1 - Mr. Boardman
- 1 - Mr. Belmont
- 1 - Mr. Nease
- 1 - Liaison Section
- 1 - Mr. Gaffney

REC- 95

61 MAR 28 1958

14 FEB 28 1958

LIAISON

## Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Boardman *1/23/58*

DATE: February 26, 1958

FROM : A. H. Belmont *ahb*SUBJECT: FUND FOR THE REPUBLIC, Inc.  
HCUA REPORT

*163581*  
 ALL INFORMATION CONTAINED  
 HEREIN IS UNCLASSIFIED  
 DATE *2/14/82* BY *Sp6 bjm*

Tolson *1/23/58*  
 Nichols *1/23/58*  
 Boardman *1/23/58*  
 Belmont *1/23/58*  
 Mohr *1/23/58*  
 Parsons *1/23/58*  
 Rosen *1/23/58*  
 Tamm *1/23/58*  
 Trotter *1/23/58*  
 Nease *1/23/58*  
 Tele. Room *1/23/58*  
 Holloman *1/23/58*  
 Gandy *1/23/58*

Remymemo to you 2/19/58 reflecting a 143-page confidential report of the House Committee on Un-American Activities (HCUA) regarding the Fund For the Republic (FFR) would be reviewed, and subsequent memoranda which highlighted matters requiring immediate attention determined as a result of this review. Chairman of HCUA contemplates turning report over to Treasury Department with recommendation tax-exempt status be rescinded, at which time the report will be made public.

The over-all trend of the HCUA report is to show that the FFR has engaged in activities which were not within the intent of Congress as related to tax-exempt organizations. The major portion of the HCUA report is devoted to the history, development, and some activities of the FFR, with emphasis upon its "anti-anticommunist" stand. A large part of the report is concerned with individuals affiliated with the FFR and their attempts to oppose Government measures to combat communism. Referral/Consult.

The HCUA report admitted that the FFR's projects concerning racial and religious questions were not included in its investigation. How substantial a part of the Fund's activities has been in the un-investigated areas was not set forth.

Enclosed are some of the findings of the HCUA which are deemed by HCUA to be appropriate grounds for rescinding the FFR's tax-exempt status and which are substantiated by findings of the HCUA in regard to specific projects of the FFR.

ACTION:

The review of the HCUA report is continuing. Many FFR projects and activities are reviewed in this report, and numerous persons associated with them are named. The review will now be directed towards identifying new information and persons previously unknown to be connected with the FFR. You will be kept advised of any pertinent information developed.

Enclosure

JLG:mls (6)

1-Mr. Nease; 1-Mr. Boardman  
 1-Mr. Belmont; 1-Mr. Gaffney;  
 1-Section Tickler

ENCLOSURE

REC-18

EX-135

MAR 4 1958

ETAISSON

UNRECORDED COPY FILED IN

February 26, 1958

FINDINGS OF THE HOUSE COMMITTEE ON  
UN-AMERICAN ACTIVITIES WHICH ARE  
DEEMED APPROPRIATE GROUNDS FOR  
RESCINDING THE FUND FOR THE REPUBLIC'S  
TAX-EXEMPT STATUS

- (1) Prior to the formation of the Fund For the Republic (FFR), the Ford Foundation was inclined to believe it would be a controversial organization and its tax-exempt status would be questioned because this could be the only reason behind the provision for reclaiming unexpended money in event the Fund lost its tax exemption.
- (2) The movements and attitudes which the Fund was created to combat were those practices of Government and of private organizations and individuals which were designed to expose international communism and its threat to the security of the US.
- (3) The FFR is a propaganda agency because it has engaged in concealment of the full facts, impugned the motives of opposite positions, and used false statements. Further, the FFR has presented opinions without pertinent facts and without basic factual material.
- (4) When the results of an FFR study were determined to dwell in the realm of legislative lobbying or propaganda, they were published in commercial periodicals and reprints were paid for and distributed by the Fund.
- (5) Results of FFR studies were not objective but were subjected to the preconceived notion of Hutchins. When the findings of a study were not in accordance with Hutchins' views, they were not published or were twisted to present Hutchins' biased views.
- (6) The awards, which the FFR proposed to distribute, were proposed to benefit those who have been either members or knowledgeable supporters of the Communist Party.
- (7) FFR used Elmo Roper's Public Opinion Gathering Company and paid \$41,778.01 for its services; yet tax-exempt organizations "must not inure to the benefit of private share-holders or individuals." Roper was on the Board of Directors of the FFR at the time.
- (8) FFR President Hutchins made speeches and utterances which he said were not the expression of the FFR; yet the FFR bore the expense of reproducing these speeches.

100-391697-493  
ENCLOSURE

*Findings of the HCUA Which Are Deemed  
Appropriate Grounds for Rescinding the  
FFR's Tax-Exempt Status*

*2/26/58*

- (9) The positions of director for some FFR projects were given on the basis that the individuals selected had already expressed their position on the subject matter and it was in agreement with Hutchins.*
- (10) The FFR refused to cooperate with the HCUA in its investigation.*

*3*  
*R*  
*8*

4/ *Off. Alloc.*

INTERNAL SECURITY

TO : Mr. L. R. ...

DATE: October 15, 1956

FROM : MR. E. E. BOAC

SUBJECT: LAURENT BROWN FRANTZ  
FUND FOR THE REPUBLIC

Tolson \_\_\_\_\_  
Boardman \_\_\_\_\_  
Belmont \_\_\_\_\_  
Mason \_\_\_\_\_  
Mohr \_\_\_\_\_  
Parsons \_\_\_\_\_  
Rosen \_\_\_\_\_  
Tamm \_\_\_\_\_  
Nease \_\_\_\_\_  
Winterrowd \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Holloman \_\_\_\_\_  
Gandy \_\_\_\_\_

Reference is made to Mr. Nichols' memorandum to Mr. Tolson of October 12, 1956, advising that Karl Baarslag, investigator, House Committee on Un-American Activities (HCUA), had confidentially advised that an Internal Revenue report on the Fund for the Republic listed an item of \$350 awarded to captioned subject for purposes of analyzing the testimony of the Director before the House and Senate Appropriations Committees concerning communism.

Referral/Consult

NOT RECORDED

ACTION:

Referral/Consult

- 3 - Mr. Nichols
- 1 - Mr. DeLoach
- 1 - Mr. Belmont
- 1 - Mr. ...

52 MAR 7 1958

ORIGINAL COPY FILED IN



# Office Memorandum • UNITED STATES GOVERNMENT

TO : SAC, NEW YORK

DATE: October 12, 1953

FROM : L. B. [redacted]

SUBJECT: LAURENT FRANTZ  
FUND FOR THE REPUBLIC

Tolson \_\_\_\_\_  
Ladd \_\_\_\_\_  
Nichols \_\_\_\_\_  
Belmont \_\_\_\_\_  
Mohr \_\_\_\_\_  
Parsons \_\_\_\_\_  
Rosen \_\_\_\_\_  
Tamm \_\_\_\_\_  
Trotter \_\_\_\_\_  
Nease \_\_\_\_\_  
Winterrowd \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Holloman \_\_\_\_\_  
Gandy \_\_\_\_\_

My memorandum dated 10-8-53 reflected that Karl Baarslag, investigator, House Committee on Un-American Activities (HCUA), had

Referral/Consult

## ACTION TAKEN THUS FAR:

Summary memorandum on subject Frantz, <sup>Previously</sup> prepared and attached to this memorandum. He has record of Communist Party activity, was uncooperative when interviewed by agents in 1950, has been active in the National Lawyers Guild, and active in the Civil Rights Congress. The New York Office was unable to ascertain any information reflecting possible employment of Frantz by the Fund for the Republic. A credit check in New York on Frantz was negative. Review of files and indices of San Francisco Office likewise reflected no information indicating Frantz currently employed by Fund for the Republic. Subject presently employed by Bancroft Whitney Law Book firm in San Francisco. He resides in Berkeley, California. He recently was named as one of the speakers, along with Harry Bridges, at the National Lawyers Guild dinner in San Francisco scheduled for October 12, 1953.

Discreet inquiries made at Bancroft Whitney Company, San Francisco, reflected that Frantz was employed full time as an editor and regarded as a competent employee. Reliable contacts at the Bancroft Whitney Company had no knowledge of any outside employment on the part of Frantz.

Discreet inquiries were made at the American National Bank, San Francisco, where Frantz maintains his bank account. His deposits reflected no evidence of outside income.

NOT RECORDED

64 MAR 10 1958

ORIGINAL COPY FILED IN

Memorandum to Mr. Tolson from L. B. Nichols

On 10-11-53 William Wheeler, special investigator, ECUA, advised the San Francisco Office that his committee planned to subpoena subject as a witness during public hearings scheduled in San Francisco December 10 and 12, 1953. These hearings will reportedly probe the amount and type of communist propaganda entering the United States from China and other foreign countries in opposition against the Walter-McCarran Act exercised by the Communist Party through the American Committee for the Protection of Foreign Born.

ACTION:

Referral/Consult

It is suggested that Liaison recheck with [redacted]  
with specific emphasis on the [redacted] report dated 6-16-50.

b6 per  
b7C FBI

OK ✓ [initials] [initials]

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. L. V. BOARDMAN

DATE: October 11, 1956

FROM : MR. A. H. BELMONT

SUBJECT: LAURENT BROWN FRANTZ  
FUND FOR THE REPUBLIC

Boardman \_\_\_\_\_  
Belmont \_\_\_\_\_  
Mason \_\_\_\_\_  
Mohr \_\_\_\_\_  
Parsons \_\_\_\_\_  
Rosen \_\_\_\_\_  
Tamm \_\_\_\_\_  
Nease \_\_\_\_\_  
Winterrowd \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Holloman \_\_\_\_\_

Reference is made to a memorandum from Mr. Nichols to Mr. Tolson dated October 8, 1956, pointing out that Karl Paarslag, Investigator, House Committee on Un-American Activities (HCUA), had stated that while looking at

Referral/Consult

ORIGINAL COPY FILED IN 100-100000

112 ELM ST. GALE 1/10/57 NOT RECORDED

(1)  
100-100000  
100-100000

1 - In 100-100000  
1 - Mr. Nichols

1 - sent from [unclear]  
1 - 100-100000

64 MAR 10 1958

Memorandum for Mr. Boardman

Referral/Consult

ACTION:

[redacted]  
[redacted]  
[redacted] it is suggested that Mr. Nichols' office consider the possibility of recontacting Daarslag for the purpose of determining the exact place that he saw the item in question.

*R*  
*W*  
*W*  
*W*

*yes*  
*K*

*K*

*K*

## Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Tolson

DATE: 10-8-56

FROM : L. B. Nichols

SUBJECT:

LAURENT BROWN FRANTZ  
FUND FOR THE REPUBLIC, Inc.

Tolson \_\_\_\_\_  
 Nichols \_\_\_\_\_  
 Boardman \_\_\_\_\_  
 Belmont \_\_\_\_\_  
 Mason \_\_\_\_\_  
 Mohr \_\_\_\_\_  
 Parsons \_\_\_\_\_  
 Rosen \_\_\_\_\_  
 Tamm \_\_\_\_\_  
 Nease \_\_\_\_\_  
 Winterrowd \_\_\_\_\_  
 Tele. Room \_\_\_\_\_  
 Holloman \_\_\_\_\_  
 Gandy \_\_\_\_\_

Karl Baarslag, Investigator, House Un-American Activities Committee, told DeLoach over the week end that he had had an opportunity to look at the Federal income tax return of the Fund For the Republic on a very confidential basis at the Treasury Department.

Referral/Consult

Frantz is the subject of a Security Matter - C investigation of the San Francisco Office. This is a closed investigation, and the last investigative report was submitted in February, 1956.

In brief, the following is a digested synopsis of Frantz's background as reflected in his main file and recent references to him in other files: He was born in Nashville, Tennessee, in September, 1913; has attended the Universities of Tennessee, North Carolina, Duke, and California (at Berkeley). He has the A. B., LL. B., LL. M. and Bachelor of Library Science degrees.

Frantz reportedly became a member of the Communist Party in the latter 1930's and was identified as a party member until the latter 1940's. Although reliable informants have not placed him in the party for the past several years, both he and his wife (who also was previously identified as a party member) have continued to associate with communists and have been active in the affairs of front groups. Paul Crouch, former Communist Party member, advised in 1954 that he knew Frantz to be a Communist Party member from 1935 through 1941 [redacted], an informant who testified at the Smith Act trial of Junius Scales in North Carolina in April, 1955, named Frantz as a communist at the trial; and news stories concerning the Scales' trial noted this fact. (100-11592-A, "Greensboro Daily News" 4-24-55; 100-20023-115)

cc - Mr. Boardman  
 cc - Mr. Belmont  
 cc - Mr. Jones

CDD:nl (5)

Memo Belmont to  
 Boardman lth  
 10 11 56

2 FEB 27 1958

64 MAR 10 1958 41

ORIGINAL COPY FILED IN

Nichols to Tolson Memorandum

10-8-56

In June, 1950, Frantz was interviewed by the Charlotte Office. He stated that he was not in sympathy with the program which involved an investigation of a man's political affiliations, and he gave this same answer when asked whether he was a member of the Communist Party. In 1950, while at the University of California, Frantz was employed as a clerk in the law library. As a result of this employment, he was asked to sign a loyalty oath; however, he refused to do so, and his job was terminated. *for what year?*

Frantz became an apprentice seaman in the Navy in January, 1942, and was honorably discharged as a Yeoman Second Class in November, 1945. Subsequently, he became active in the South with the Civil Rights Congress. In addition to traveling throughout the South, he has lived in Iowa and California since his Naval discharge.

Frantz has been active in the National Lawyers' Guild. In 1954 and 1955 he was reported to be self-employed in legal research in California, and his address in February, 1956, was 3044 Wheeler Street, Berkeley, California. (100-20023-149)

Frantz is said to be the attorney who wrote the Amicus Curiae brief in opposition to the Internal Security Act of 1950 which was signed by 360 persons and filed with the Supreme Court in September, 1955. (100-376056-53) He also has been the author of articles reflecting critically upon the Walter-McCarran Act (Immigration and Denaturalization) and defending protection of the Fifth Amendment.

ACTION:

I am of the opinion that rather than have a discreet check made at Treasury at this time regarding the authenticity of Baarslag's claims, we should first endeavor to determine whether or not Frantz is actually employed by Fund For the Republic. This can be done by the New York Office on a discreet basis. If you approve, we will telephonically instruct New York to handle this matter expeditiously. If New York ascertains Frantz is not employed by Fund For the Republic, or is unable to obtain this information, we will then have Liaison make a discreet check at Treasury Department in order to ascertain whether Baarslag's statements are correct or not.

- 2 -

*I think we*

*should do*

*Wear*

*yes*

*No further action  
to handle - 4:40 PM  
10-10-56  
WHL*

(ONLY FOR PAPERS PURCHASING LEWIS COLUMN. OTHERS MUST NOT USE)

(CAUTION: ADVANCE LEWIS COLUMN FOR RELEASE TUESDAY, FEBRUARY

A.M. AND P.M. PAPERS. MUST NOT BE PUBLISHED BEFORE THAT DATE.)

WASHINGTON REPORT

BY FULTON LEWIS, JR.

COPYRIGHT, 1958, KING FEATURES SYNDICATE, INC.

WASHINGTON, Feb. 24--One of the most devastating reports ever compiled by the House Un-American Activities Committee is languishing unreleased, in a stepchild's corner and apparently it will take considerable doing to drag it into the light of day.

It has to do with the notorious Fund for the Republic, the plush-cushion pasture which the Ford Foundation set up to rid itself of Paul G. Hoffman and Dr. Robert Maynard Hutchins and the galley proofs are already in hand from the Government Printing Office.

It finds that everything that was ever charged against the Fund for the Republic -- by me, the American Legion, or its hosts of other critics -- was all true and a lot more. It finds so much that it recommends that all tax-exempt status of the Fund be rescinded by the Internal Revenue Service, effective immediately.

This would mean, oh happy day, that the Fund for the Republic is out of business, under the terms of its charter. The charter provides that if at any time the tax-exempt status is terminated or suspended, all remaining funds in the possession of the Fund revert automatically to the Ford Foundation. This provision was fundamental in the original grant by the Foundation, otherwise the tax-exempt status of the Ford Foundation itself would be jeopardized.

It took the full time of one crack committee investigator, Don Appel, more than a year to make the investigation and compile the findings, but now that it is complete, committee fathers are uneasy.

The investigation turned up far more material that is not concerned with Communism and un-American activities than that which is. This creates the problem that the report issued in the name of the committee might be subject to attack on the grounds of lack of jurisdiction.

(MORE)

Mr. Tolson  
Mr. Boardman  
Mr. Belmont  
Mr. Mohr  
Mr. Nease  
Mr. Parsons  
Mr. Rosen  
Mr. Tamm  
Mr. Trotter  
Mr. Clayton  
Tele. Room  
Mr. Holloman  
Miss Gandy

b6  
b7c

BY FULTON LEWIS, JR.

xx jurisdiction.

Thus, the FFR projects designed to propagandize against Congressional investigations as such and the purported racial relations studies are clear propaganda operations and therein are violations of the charter and the tax-exemption privilege. They are hardly Communist activities, however, in the general sense of the word and the common concept of the committee's objective is to investigate Communism.

Chairman Francis E. Walter of Pennsylvania is toying with several alternative solutions. He can make the report public on his own responsibility, without committee sanction, with a blast demanding that the Internal Revenue Service take action at once.

It should have done so long ago, anyway, on the strength of the field investigation report that has been lying on the desk of agency chiefs for months, gathering dust while the Fund continues improperly to spend continuing millions.

Walter is a powerful Democratic leader, who not only heads the Un-American Activities Committee but is also second ranking Democrat on the House Judiciary Committee. If he turns his guns on the Internal Revenue Service, it will be difficult for them to brush him off.

A second alternative -- and this is being given particular attention -- is to turn the report over to the House Ways and Means Committee, which has direct jurisdiction over all tax matters on the grounds that the material properly is in its field.

The Ways and Means Committee would never conduct a study of this kind on its own, but inasmuch as the study already has been made, it might well review the factual material as a document, and write its own final conclusion and recommendation.

It has been keenly sensitive to the tax-exemption racketeering evil for a long time and the members probably would welcome the opportunity to make an example of the Fund for the Republic, as an all around warning.

The mystery is why the Internal Revenue Service has dragged its feet for more than a year. It cannot be the influence of Henry Ford, II, because he and the Ford Foundation would like to have back the remaining six of the original \$15 million grant, still left in the Fund's bank account.

As it is, the tax officials have given Hoffman, Hutchins and company a free ride for a year, simply by sitting on their hands. The Ways and Means Committee might well want to investigate that angle, too.

#####

(fk)



## Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. L. V. Boardman *8/12/58*

DATE: February 26, 1958

FROM : A. H. Belmont

SUBJECT: FUND FOR THE REPUBLIC

Tolson	<input checked="" type="checkbox"/>
Nichols	<input checked="" type="checkbox"/>
Boardman	<input checked="" type="checkbox"/>
Belmont	<input checked="" type="checkbox"/>
Mohr	<input type="checkbox"/>
Parsons	<input type="checkbox"/>
Rosen	<input checked="" type="checkbox"/>
Tamm	<input checked="" type="checkbox"/>
Trotter	<input type="checkbox"/>
Nease	<input type="checkbox"/>
Tele. Room	<input type="checkbox"/>
Holloman	<input type="checkbox"/>
Gandy	<input type="checkbox"/>

ARTICLE Reference is made to the column of Fulton Lewis, Jr. captioned "Washington Report" for release February 25, 1958, which is attached. Lewis' column is concerned with the 143-page House Committee on Un-American Activities (HCUA) report of its findings regarding the Fund for the Republic (FFR), which is currently under review in the Liaison Section and previous memoranda have been submitted regarding it.

Lewis appears to be in error on certain points mentioned in his column as follows:

LEWIS. "The investigation turned up far more material that is not concerned with Communism and un-American activities than that which is."

COMMENT. If the investigation did turn up a large amount of such material, it is not all reflected in the HCUA report. Some parts of the report are not concerned with communism, such as the formation of the Fund and the hiring of Elmo Roper's company while Roper was a member of the board of directors of the FFR. The major portion of the HCUA report is concerned with communism and un-American activities although it is realized the FFR could argue that the activities were not un-American.

LEWIS. "Thus, the FFR projects designed to propagandize against Congressional investigations as such and the purported racial relations studies are clear propaganda operations and therein are violations of the charter and the tax-exemption privilege. They are hardly Communist activities, however, in the general sense of the word and the common concept of the committee's objective is to investigate Communism."

COMMENT. The FFR projects designed to propagandize against Congressional investigations were taken up in the HCUA report but were dealt with in the light of the FFR's opposition to Congressional investigations regarding communism which HCUA felt was within its jurisdiction.

JG:nck (6)

- 1 - Mr. Boardman
- 1 - Mr. Belmont
- 1 - Mr. Nease
- 1 - Liaison Section
- 1 - Mr. Gandy

Enclosure

REC-36

MAR 11 1958

EX-135

LIAISON

ENCLOSURE

EX-135

MAR 11 1958

Memorandum Belmont to Boardman  
RE: FUND FOR THE REPUBLIC

The HCUA report reflects on page 14 that FFR projects related to race and religion were not investigated.

ACTION:

None. For the Director's information.

*[Handwritten signature]*

*[Handwritten signature]*

*[Handwritten signature]*

*[Handwritten checkmark]*

*[Handwritten signature]*

*[Handwritten mark: a large 'R' with '3' inside the top curve and '6' inside the bottom curve]*

## Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. L. V. Boardman

DATE: March 4, 1958

FROM : A. H. Belmont

SUBJECT: FUND FOR THE REPUBLIC  
HCUA REPORT

Tolson \_\_\_\_\_  
 Nichols \_\_\_\_\_  
 Boardman \_\_\_\_\_  
 Belmont \_\_\_\_\_  
 Mohr \_\_\_\_\_  
 Parsons \_\_\_\_\_  
 Rosen \_\_\_\_\_  
 Tamm \_\_\_\_\_  
 Trotter \_\_\_\_\_  
 Nease \_\_\_\_\_  
 Tele. Room \_\_\_\_\_  
 Holloman \_\_\_\_\_  
 Gandy \_\_\_\_\_

# 63581  
 ALL INFORMATION CONTAINED  
 HEREIN IS UNCLASSIFIED  
 DATE 2/4/82 BY SP6/VA  
 2/4/82

SYNOPSIS:

Re memo 2/19/58 reflecting a 143-page confidential report of the House Committee on Un-American Activities (HCUA) regarding the Fund for the Republic (FFR) would be reviewed, and my memo 2/26/58 recommended changes in the HCUA report concerning the use of two quotations of the Director's. These and other instances where the HCUA report attributed quotations to the Director were checked and found to be accurate with one exception; the Director described the "communist movement as the greatest menace free civilization has ever known." The HCUA report reflected the last word to be "found." (not known) This error is not believed significant, and no recommendation for a change is being made.

b6 per  
 b7C FBI

HCUA report reflects the edited version of [redacted] report to FFR which recommended a \$5,000 award to the William Jeanes Memorial Library for Mary Knowles being hired and retained as librarian, omitted the false statement which appeared in the original indicating that FBI Agent described person who opposed Mary Knowles, as "crackpot." HCUA report claimed FFR feared libel action.

HCUA unsuccessfully attempted to obtain from the FFR a copy of an analysis of the Director's testimony before Congressional committees made by Laurent Brown Frantz under a grant by FFR. Frantz was publicly identified as Communist Party member according to HCUA report.

Referral/Consult

ACTION:

None. For information.

JUL:jul/jmk (6)  
 1 - Mr. Boardman  
 1 - Mr. Belmont  
 1 - Mr. Nease

1 - Section Tickle  
 1 - Mr. Gandy

EX-128

REC-36

MAR 11 1958

62

14 1958

3-11-58

UNRECORDED COPY FILED IN 61-7582-

Autost At

Memo Belmont to Boardman  
RE: FUND FOR THE REPUBLIC  
HCUA REPORT

DETAILS:

Reference is made to memo Belmont to Boardman 2/19/58 reflecting a 143-page confidential report of the HCUA regarding the FFR would be reviewed and memo Belmont to Boardman dated 2/26/58 which recommended changes in the HCUA report concerning the use of two quotations of the Director's which were taken from his address before the 62nd annual meeting of the International Association of Chiefs of Police on October 3, 1955, and from his article which appeared in the January, 1958, issue of "American Mercury." Both of these quotations were checked and found to be accurate, although the way they were used was considered objectionable.

In its criticism of Robert M. Hutchins (President FFR) and certain projects of the FFR, the HCUA report also selected quotations from the Director's testimony before the House Subcommittee on Appropriations on January 30, 1957, and the Director's interview with Congressman Kenneth B. Keating over television program "Let's Look At Congress" on July 22, 1956. These quotations were checked with Bureau records and found to be accurate with one exception; during his testimony on January 30, 1957, before the Appropriations Subcommittee the Director described the "communist movement as the greatest menace free civilization has ever known." The HCUA report reflects the last word to be "found." (not known) It is not believed this is a significant error, and no recommendation for a change is being made.

[redacted] investigator for the FFR who investigated the circumstances of Mary Knowles being hired and retained by the William Jeanes Memorial Library, wrote a report for the FFR reflecting the results of her investigation and recommended the \$5,000 award for the library. The HCUA report reflected that [redacted] edited her original report for public release and in so doing deleted one false statement concerning the Federal Bureau of Investigation which appeared in the original. Regarding this the HCUA report reflected as follows: "While this section of the edited report is almost word for word a copy of the original, the report deleted the false statement in the original which reads 'one of the Agents (Federal Bureau of Investigation) told [redacted] - not for publication - that [redacted] must be a "crackpot."' It is assumed that the fear of a libel action on the part of [redacted] because no Agent of the Federal Bureau of Investigation made such a statement to [redacted] was apparently the motivation for the removal of this sentence." (page 57)

Memo Belmont to Boardman  
RE: FUND FOR THE REPUBLIC  
HCUA REPORT

b6 per  
b7C FBI

[redacted] is [redacted]  
Pennsylvania, who was active in opposing Mary Knowles as librarian. [redacted] was a member of the William Jeanes Memorial Library Committee who supported Mary Knowles in her position with the library. Bufiles reflect only one contact between the FBI and [redacted] on 8/26/54 [redacted] telephonically contacted the Philadelphia Office and requested a "clearance" regarding Mary Knowles and was appropriately advised. The reference does not contain the name of [redacted] (100-338613-23)

Page 126 of the HCUA report reflects as follows:  
"Another grant of the Fund for the Republic was made to Laurent Brown Frantz for the purpose of analyzing the testimony of FBI Director, J. Edgar Hoover before Congressional committees. The Fund for the Republic in listing its recipients of fellowships and grants-in-aid for some reason fails to list the grant to Laurent Frantz. It could well be that the Fund for the Republic desired to withhold this information for the reason of the fact that Laurent Frantz has been publicly identified as a member of the Communist Party. By his own testimony before this committee it is evident that he was highly trusted by the Communist Party. ... The committee, interested in how a communist would analyze the testimony of FBI Director Hoover, has requested a copy of Frantz' analysis on several occasions from the Fund for the Republic. On one occasion, we were advised that the analysis was not available, and in a June, 1957, conference a staff member of the committee was advised by Fund counsel that the Frantz analysis was in possession of Professor Rossiter, the director of the communist history project. Counsel promised to obtain the analysis from Professor Rossiter and submit it to the committee for examination; however, again the Fund failed to comply with the committee request."

Referral/Consult

[redacted] (100-20023-152)

## Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. L. V. Boardman

DATE: February 21, 1958

FROM : A. H. Belmont

SUBJECT: FUND FOR THE REPUBLIC

Tolson ☒  
 Nichols ☒  
 Boardman ☒  
 Belmont ☒  
 Mohr ☐  
 Parsons ☐  
 Rosen ☐  
 Tamm ☐  
 Trotter ☐  
 Nease ☐  
 Tele. Room ☐  
 Holloman ☐  
 Gandy ☐

Reference memorandum Belmont to Boardman dated 2-19-58 reflecting confidential report of House Committee on Un-American Activities (HCUA) regarding Fund for the Republic (FFR) would be reviewed. Chairman, HCUA, plans to give report to Treasury Department with request tax exempt status of FFR be rescinded and will make report public at that time. Review thus far indicates page 85 of HCUA report reflects criticism of Case Number 10 of Adam Yarmolinsky's publication, "Case Studies in Personnel Security," which was a biased report of cases afforded hearings under various personnel security programs and financed by FFR. HCUA report reflects Case 10 was a Government employee "found on the basis of evidence to have been a member of the Communist Party in 1948-49" and who had falsified application for Government employment and falsified testimony before loyalty hearing board in denying Communist Party membership. HCUA intends to inquire of both Navy and Justice Departments as to extent of perjury investigation and action in this case.

Bureau files reflect Case 10 was [redacted] administrative trainee for [redacted] investigated under Loyalty Program in 1952 and supplemental investigation conducted in 1953.

b6  
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ACTION:

The files pertaining to [redacted] are being carefully examined and you will be promptly advised of any action necessary by the Bureau.

JOG:ncb (9)

- 1 - Mr. Boardman
- 1 - Mr. Belmont
- 1 - Mr. Nease
- 1 - Mr. Stanley
- 1 - Mr. Baumgardner
- 1 - Liaison Section
- 1 - Mr. Gaffney
- 1 - yellow

14 MAR 14 1958

86 MAR 19 1958

EX-135

LIAISON

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61-7582-1

## Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. L. V. Boardman *3/2/58*

FROM : A. H. Belmont *amb*

SUBJECT: FUND FOR THE REPUBLIC

DATE: February 24, 1958

Tolson ☒

Nichols ☒

Boardman ☒

Belmont ☒

Mohr ☒

Parsons ☒

Rosen ☒

Tamm ☒

Trotter ☒

Nease ☒

Tele. Room ☒

Holloman ☒

Gandy ☒

Memorandum from Belmont to Boardman 2-21-58 advised that "Case 10" discussed in House Committee on Un-American Activities (HCUA), proposed report on the Fund for the Republic, is a case involving [redacted], who was subject of Bureau investigation in 1952 and 1953. HCUA proposed report states the employee [redacted] was found to have been a member of the Communist Party (CP) in 1948-49. Further, that he had falsified his application for Government employment and his testimony before a loyalty board in denying this membership. According to the proposed report, the HCUA intends to inquire of the Departments of Navy and Justice as to the extent of perjury investigation and action in this case. Referenced memorandum indicated the [redacted] case was being reviewed. In this connection the following is set forth:

## BUREAU LOYALTY INVESTIGATION OF [redacted]

Investigation conducted under provisions of Executive Order 9835 (former Truman loyalty order) in January, 1952.

[redacted] was employed as an Administrative Trainee [redacted] Washington, D. C. Supplemental investigations were conducted in 1952 and 1953. On 9-29-54, Civil Service Commission (CSC) advised Bureau that [redacted] had been "retained" under Executive Order 10450 (current security order which replaced EO 9835). Yarmolinsky material reflects [redacted] resigned from [redacted] after clearance.

Investigation of [redacted] developed data reflecting he was considered loyal by friends and acquaintances, and some stated [redacted] expressed opposition to communism. Several acquaintances, however, although stating [redacted] was loyal.

Enclosure *sent 2-25-58*

cc: 1 - Mr. G. A. Nease

1 - Mr. A. Rosen

1 - Administrative Division

1 - 121-35274 - [redacted]

1 - 100-374356 - [redacted]

1 - [redacted]

REC-91

100-391697-497

100-391697-497

14 MAR 14 1958

100-391697

CHS:RHH:rms/lml

(12)

76 MAR 19 1958

Lawyer who on GRANT from Fund For The Republic made study of Loyalty cases and published Booklet.

3/2/58

Memorandum to Mr. Boardman  
Re: Fund For the Republic

declined to recommend him for Government employment feeling he was emotionally unstable. One, a professor of psychology at the University of California at Los Angeles (UCLA) where [ ] attended from September, 1948, to January, 1951, cited an instance wherein [ ] being unsuccessful in his attempt to seduce a co-ed, scolded the girl's mother for having taught her daughter premarital chastity. [ ] claimed the mother was denying her daughter part of the pleasure due her. One informant (former [ ] - [ ]) described in Los Angeles reports as "of known reliability" stated [ ] was a member of the CP from the Spring of 1948 to August of 1949 and had been closely associated with [ ] a communist, the relationship centering in writings for the [ ] newspaper. Other reliable informants had no knowledge of [ ] but investigation did show [ ] to have co-authored articles with [ ] for the [ ] however, the director of publications at UCLA advised [ ] with his knowledge, co-authored these articles in an attempt to control [ ] to prevent a CP slant in the articles.

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b7D

b6  
b7C

(During investigation of [ ] Los Angeles Office in April of 1953 advised it was in error in reporting in the original investigation that the 3-8-50 issue of [ ] reflected [ ] signed a petition in opposition to the UCLA Regent's Loyalty Oath. The error was looked into at that time, explanations obtained, and it was determined the error resulted from improper mounting by the Los Angeles Office of the article in question. Reports correcting the error were disseminated. It is of interest to note that according to the Yarmolinsky material, [ ] when charged with signing such a petition, admitted having done so but stated it was because of its damaging effect on academic freedom.)

b6  
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#### MERITS OF ANY POSSIBLE PERJURY OR FRAUD VIOLATION

Any perjury or fraud prosecution would, of course, rest upon the testimony of former [ ] Los Angeles reports reflect the informant declined to testify before a hearing board. In addition, although the informant originally reported [ ] to have been a CP member, upon reinterviews, he stated he described Dennis as a CP member because he recalled

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b7C



Memorandum to Mr. Boardman  
Re: Fund For the Republic

[ ] being present at at least two meetings of the CP at East Los Angeles at which the informant was present. As noted heretofore, [ ] denied former CP membership, and in connection with reinterviews of the informant requested by the Civil Service Commission on this point, the informant maintained his original information about a [ ] was correct; however, he stated he could not positively say that the [ ] he reported on was identical with the employee; that although feeling the employee's picture, shown to him by the Los Angeles Office, looked familiar, he could not positively identify it. Reports submitted in this case set forth in considerable detail the informant's information and his qualifications thereof, and it appears clear successful prosecution could not be had on the basis of his information. b6 b7C

Dissemination of all reports submitted in the loyalty investigation of [ ], including all information from former LA informant [ ] was made to CSC as well as to the Department.

#### INFORMATION REGARDING FORMER [ ]

Former [ ] was used as a security informant from [ ] when discontinued as an active informant as he left the Los Angeles area. He was being paid up to fifty dollars per month for services rendered at the time of his discontinuance. b6 b7C b7D

He returned to Los Angeles in December, 1949, and was recontacted thereafter regarding the information he furnished previously. Since it was noted in early 1954 in connection with another case that former [ ] had difficulty verifying information previously furnished and due to his hazy recollection at that time, the Bureau by letter dated 2-1-54 instructed the Los Angeles Office to review all of his information, and any information not corroborated by other reliable sources was to be identified as coming from an informant "of unknown reliability." Los Angeles letter dated 2-24-54 advised that corrective action had been completed per Bureau instructions. The Bureau advised the Division of Records and other outside agencies to which informant's information had been disseminated of the recharacterization of the reliability of this informant. The identities of the cases involved were set out in Los Angeles letter to the Bureau dated 2-24-54. Neither the Security Matter nor the loyalty case on [ ] was mentioned in Los Angeles letter. There was only one Security Matter - C report submitted on [ ] which was dated 5-2-51. Dissemination of the 5-2-51 report was made only by Los Angeles Office to local Office of Naval Intelligence (ONI). b6 b7C b7D

Memorandum to Mr. Boardman  
Re: Fund For the Republic

Bureau's copies of Security Matter report regarding [ ] dated 5-2-51 have been noted to show former [ ] is now considered as "of unknown reliability" and Los Angeles Office is being instructed to note its copies accordingly. Los Angeles Office is being advised it is not necessary to change the copy of the Security Matter report regarding [ ] previously sent to local ONI.

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b7C

b7D

By teletype dated 2-22-58 captioned "Former [ ] SM-C," the Bureau instructed the Los Angeles Office to submit teletype advising why reclassification of informant's reliability in the loyalty reports and Security Matter - C report submitted regarding [ ] was not deemed necessary by the Los Angeles Office. By teletype dated 2-23-58 Los Angeles explained that in 1954 agent reviewed this informant's sub file containing informant's written reports, last of which was submitted in July, 1949, and the name of [ ] was not mentioned in any written reports or in any channelizing memos contained therein. All information concerning [ ] furnished orally to agents and not channelized to informant's sub file. Los Angeles requests Bureau advise if amended pages should be submitted or corrections made in ink in the pertinent reports regarding [ ].

b6  
b7C  
b7D

b6  
b7C

SAC Letter 115, Series 1945, dated 12-11-45 instructed the field to channelize both written and oral information to informant's administrative file and to appropriate substantive files.

RECOMMENDATIONS:

(1) Since the HCUA proposed report was made available to the Bureau on a confidential basis prior to its publication, it is recommended that no dissemination of this information be made outside the Bureau.

(2) With reference to the characterization of former [ ] as reliable in the loyalty reports on [ ] it is noted that the informant's information about [ ] in these reports is specific and in detail and is greatly qualified.

b7D

b6  
b7C

Memorandum to Mr. Boardman  
Re: Fund For the Republic

Further, in the Los Angeles report of 7-11-52, data was included that the informant was considered reliable based on his having furnished considerable information in the past found to be reliable, some of which has been confirmed by other sources. Los Angeles based this statement on a thorough review of its files concerning the informant at that time and included the data in its report in response to a request from CSC as to the basis for terming the informant reliable. In view of the detailed manner in which former [redacted] information is set forth in the loyalty reports on [redacted], it is recommended no recharacterization of his reliability to "of unknown reliability" be made at this time. Attached is a recommended airtel to Los Angeles so instructing that office. b7D b6 b7C

(3) Attached airtel also instructs Los Angeles Office to place responsibility for the failure to channelize oral information received from former [redacted] in the Dennis case into informant's sub file and submit recommendations as to administrative action. b7D

Los Angeles is also being requested to advise the Bureau what action is being taken to properly channelize oral information received from informants into the informant's sub file in line with existing instructions.

(4) With respect to the statements in the proposed HCUA report regarding the alleged CP membership on the part of [redacted] and the question regarding prosecutive action, it is noted the facts available to the Bureau indicate that this is certainly not a strong case. Therefore, in view of the undesirability of the HCUA pressing the Departments of Navy and Justice in this matter, and since Dick Arens was courteous enough to make available on a confidential basis a preliminary draft of the proposed report, it is felt it would be desirable to confidentially provide him with some guidance in this connection. It is, therefore, suggested this memorandum be referred to Mr. Nease's Office for appropriate contact with Mr. Dick Arens, General Counsel for the HCUA. b6 b7C

Handled  
2/27/58 with  
Arens - Dennis  
case will be  
removed from  
report -  
5-27

Wes. 2/27

Ram

AKS

John

AMH

## Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. L. V. Boardman *3/1/58*

FROM : A. H. Belmont *amb*

SUBJECT: FUND FOR THE REPUBLIC  
HCUA REPORT

DATE: February 26, 1958

Tolson \_\_\_\_\_  
Nichols \_\_\_\_\_  
Boardman \_\_\_\_\_  
Belmont \_\_\_\_\_  
Mohr \_\_\_\_\_  
Parsons \_\_\_\_\_  
Rosen \_\_\_\_\_  
Tamm \_\_\_\_\_  
Trotter \_\_\_\_\_  
Nease \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Holloman \_\_\_\_\_  
Gandy \_\_\_\_\_

SYNOPSIS:

Reference memo Belmont to Boardman, 2-19-58, reflecting a 143-page confidential report of House Committee on Un-American Activities (HCUA) regarding Fund for the Republic (FFR) would be reviewed; and memo Belmont to Boardman, 2-21-58, calling attention to the case of [ ] which required immediate attention, as a result of this review.\* Chairman, HCUA, plans to give report to Treasury Department with request tax exempt status of FFR be rescinded and will make report public at that time. *b6 b7C*

Three items concerning the FBI in this report are considered objectionable. Item 1 refers to a quotation from the Director's speech in which he criticized "pseudo liberals" and infers that the Director was referring to the FFR. Memo Nease to Tolson dated 2-13-58 reflected Dick Arens of HCUA has already been requested to have this reference removed from the report. Item 2 occurs during a portion of the report where the HCUA criticized the FFR's Freedom Agenda Program and alleged its authors were biased. HCUA report stated: "A great deal of material relating to a bias must be contained in the files of the FBI." *\*\** It is felt this sentence indicates a guess on the part of the HCUA and could be made to appear that the FBI collects information regarding opinions as opposed to actions. Item 3 refers to an article written by the Director in which he stated that certain organizations, some of which are supported by tax exempt funds, "distort and misrepresent and ridicule the Government's security program." HCUA report reflects: "The campaign of opposition by the Fund...to loyalty security programs has been, as found by Mr. Hoover, namely, to distort and misrepresent and ridicule the Government's security programs." Here, the HCUA report applies Mr. Hoover's statement specifically to the FFR and infers that he had the FFR in mind when he wrote the article, although the quotation does not mention the FFR by name.

\* The [ ] Case was handled separately and not further mentioned in this memo.

- 1 - Mr. Boardman  
1 - Mr. Belmont  
1 - Mr. Nease  
1 - Liaison Section  
1 - Mr. [ ]

2/1958

3-6-58 EX-128

SENT DIRECTOR  
2-27-58

REC- 31

MAR 20 1958

\*underscoring added

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Memorandum Belmont to Boardman  
RE: FUND FOR THE REPUBLIC, HCUA REPORT

ACTION:

1. If the Director approves, efforts should be made through Dick Arens to have the words in Item 2 deleted from page 43 of the HCUA report.

yes + promptly  
K

2. If the Director approves, efforts should be made through Dick Arens to have the words "as found by Mr. Hoover," appearing in the sentence in Item 3 deleted from page 82 of the HCUA report.

yes + promptly  
J

3. The FBI is mentioned and quotations from the Director's speeches are set forth in other instances in this report. These references do not appear to be objectionable, however, they are being checked as to accuracy and a separate memorandum will be submitted regarding them.

OK  
J. Edgar  
✓  
2/27

Memorandum Belmont to Boardman  
RE: FUND FOR THE REPUBLIC, HCUA REPORT

DETAILS:

Reference is made to Mr. Belmont's memorandum to Mr. Boardman dated February 19, 1958, reflecting a 143-page confidential report of the House Committee on Un-American Activities (HCUA) regarding the Fund for the Republic (FFR) would be reviewed; and reference is made to Mr. Belmont's memorandum to Mr. Boardman dated February 21, 1958, calling attention to the case of [redacted] which required immediate attention as a result of this review. Chairman Walter of the HCUA contemplates turning this report over to the Treasury Department with a recommendation that the tax exempt status of the FFR be rescinded and will make the report public at that time. b6 b7C

Three items concerning the FBI in this report are considered objectionable. They are as follows:

Item-1, page 21

The HCUA report quoted a portion of the Director's address before the 62nd annual meeting of the International Association of Chiefs of Police on October 3, 1955, and said: "It appeared that the officers of the Fund for the Republic, including many of its project directors, consultants, or recipients of grants were those to whom the Director of the Federal Bureau of Investigation was referring when he said:

"The Communists, bent on weakening our American way of life, have now turned to enlist other individuals and groups to convey propaganda designed to discredit truth.

"It is through the "pseudo liberals" that the Communists do some of their most destructive work. These fictitious liberals are the individuals who through insidiously slanted and sly propagandistic writings and reports oppose urgently needed internal security measures; conduct a one-sided campaign to discredit Government witnesses; present the menace of Communism, as a myth of hysteria; urge that we tolerate the subversive acts of Communists because Communists are only "nonconformists"; contend that the Communist Party is a "political" movement and that it is improper to consider it a criminal conspiracy linked to a world conspiracy to overthrow our government by force and violence."

Comment

The HCUA report infers that the Director was speaking of the FFR in the above statement. The memorandum of Mr. Nease to

Memorandum Belmont to Boardman  
RE: FUND FOR THE REPUBLIC, HCUA REPORT

Mr. Tolson dated February 13, 1958, reflects Mr. DeLoach advised Dick Arens, chief counsel for the HCUA, that this reference should be taken out of the HCUA report and Arens promised this would be done. Arens indicated the quotation was taken from the Director's American Legion speech on September 19, 1957, but the HCUA report correctly attributes the quotation as coming from the Director's address before the 62nd annual meeting of the International Association of Chiefs of Police on October 3, 1955.

Item 2, page 43

The HCUA report criticized the FFR's Freedom Agenda Program which was to stimulate discussions of the basic rights of Americans. The HCUA report reflects that there is evidence that "...the Freedom Agenda program was not intended to be an objective presentation of the facts.... That bias guided the pen of certain Freedom Agenda authors has been dealt with in the past. The motivation is contained in the files of the Committee. A great deal of material relating to a bias must be contained in the files of the FBI.\* Much of the bias is documented by the actions and advocations of the authors of the subjects discussed as a part of the Freedom Agenda program. These include opposition to legislative investigations of communism, opposition to the removal of Communists from positions in government or in defense facilities or colleges, and opposition to legislation such as the Smith and Internal Security Acts."

Comment

It is felt that the underscored sentence is objectionable because it indicates speculation on the part of HCUA regarding what FBI files contain and it could be made to appear that the FBI collects information regarding opinions as opposed to actions. The sentence could be deleted with little or no loss to the thought expressed.

Item 3, page 82

The HCUA report quoted a passage from the Director's article entitled "The Deadly Menace, Pseudo Liberals" which appeared in "American Mercury" of January, 1958. This quotation is set forth as follows:

"...Certain organizations obviously dedicate their efforts to thwart the very concepts of security. They

\* underscoring added

Memorandum Belmont to Boardman  
RE: FUND FOR THE REPUBLIC, HCUA REPORT

vehemently oppose methods to gain this security and it is obvious that their aim is to destroy it. They protest that they are fighting for freedom, but in reality, they seek license. They hypocritically bar Communists from their membership, but they seem to hate all persons who abhor Communists and communism. They claim to be anti-Communists but they launch attacks against congressional legislation designed to curb communism. They distort and misrepresent and ridicule the Government's security program. They lobby and exert pressure on the leaders of Government both in the legislative and executive branches.

"Some such organizations are supported by tax-exempt funds. Others are infiltrated by a hard core of propagandists, small but articulate, whose real aims do not represent those of the hundreds of otherwise well-meaning Americans who have supported such organizations...."

Regarding the above quotation, the HCUA report, reflects as follows: "Mr. Hoover's statements are based on investigative facts which come to his knowledge through the facilities of the FBI. Much of what he writes has been documented by the committee's investigation of the Fund for the Republic. The campaign of opposition by the Fund, or persons appointed to its staff, to loyalty security programs has been, as found by Mr. Hoover, namely, to distort and misrepresent and ridicule the Government's security programs...."

Comment

Here again, the HCUA report applies Mr. Hoover's statement specifically to the FFR and infers he had the FFR in mind when he wrote the article, although the quotation does not mention the FFR by name.



## Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. TOLSON

DATE: March 6, 1958

FROM : G. A. NEASE

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED

DATE 2/4/82 BY SP6 [signature]

SUBJECT: FUND FOR THE REPUBLIC  
HOUSE COMMITTEE ON UN-AMERICAN  
ACTIVITIES (HCUA) REPORT

Tolson	_____
Boardman	_____
Belmont	_____
Mohr	_____
Nease	_____
Parsons	_____
Rosen	_____
Tamm	_____
Trotter	_____
Clayton	_____
Tele. Room	_____
Holloman	_____
Gandy	_____

In accordance with Mr. Belmont's memorandum 2-26-58, DeLoach talked with Dick Arens, general counsel, HCUA, on the afternoon of 3-5-58 regarding the recommended action in referenced memorandum. Attempts had been made to see Arens previously, however, he was out of town two days and at home sick on 3-4-58; consequently, 3-5-58 represented the first opportunity to discuss this matter with him.

In accordance with our request, Arens has had deleted from the referenced HCUA report item 1, page 21, which referred to Mr. Hoover's criticism of "psuedo-liberals" as specifically meaning the Fund for the Republic. Arens will also have deleted from item 2, page 43, the very ill-advised statement, "A great deal of material relating to a bias must be contained in the files of the FBI." Arens was most embarrassed that his staff had allowed this statement to slip by.

On page 82, item 3, the HCUA report quotes a passage from the Director's article which appeared in the January, 1958, issue of "American Mercury" entitled "The Deadly Menace, Psuedo-Liberals." The article refers specifically to organizations which protest they are fighting for freedom but in reality "... obviously dedicate their efforts to thwart the very concepts of security ...." The article further states that "Some such organizations are supported by tax-exempt funds ...." The HCUA report then goes on to apply the Director's statements specifically to the Fund for the Republic and infers that the Director had the Fund for the Republic in mind when he wrote this article. Arens stated that he had already issued instructions to change this entire passage to reflect the specific statement that the HCUA did not know which organization Mr. Hoover had in mind when he made such statements but that the HCUA feels that the criticism in the article could apply to the Fund for the Republic. Arens stated that no statement in the report will infer that the Director meant such and such an organization. He stated this was very sloppy reporting on the part of [redacted] his staff investigator, and that the entire report had been revised accordingly.

Enclosure

cc-Mr. Boardman

cc-Mr. Belmont

cc-Mr. Roach

cc-Mr. Gaffney

CDD:jmr

(1A)

REC-31

EX-128

6 8 MAR 21 1958

100-391697-499  
MAR 20 1958100-391697-499  
MAR 20 1958  
100-391697-499

Memorandum to Mr. Tolson from G. A. Nease  
Re: Fund for the Republic, HCUA Report

Arens advised that a letter to Robert Maynard Hutchins was being prepared for Chairman Walter's signature at the present time and would be mailed within one week. The letter, which will be lengthy in scope, will specifically criticize the Fund for the Republic. A second letter is being prepared which will be sent to the Treasury Department, Internal Revenue Division, also criticizing the Fund for the Republic, advising them that the basis for such criticism can be found in the form of a staff memorandum which is in HCUA files. This letter will then request that the tax-exempt status of the Fund for the Republic be immediately withdrawn. Arens stated that the revised copy of the HCUA report on the Fund for the Republic will not be sent to the Treasury Department but, to the contrary, will be maintained by the HCUA until such time as Treasury specifically asks for it. A copy of the said staff memorandum, which actually is a revised and corrected edition of said report, was given to DeLoach in confidence and can be retained in Bureau files. The copy is attached.

Although Arens' attention had previously been called to the [redacted] case, it was again called to his attention on 3-5-58. (Adam Yarmolinsky, staff member, Fund for the Republic, had mentioned this case as a direct example of how the security program was being ill-administered. The HCUA report used Yarmolinsky's criticism of this case as an example of how the Fund for the Republic was going beyond its jurisdiction and why, as a result, the Fund's tax-exempt status should be removed.) Arens was told in confidence that we, of course, had no objections to this case remaining in the HCUA report but that he should know that the informant had been wishy-washy in this matter with respect to placing [redacted] in the Communist Party; consequently, the HCUA might desire not to use this specific case as an example of the Fund's activities. Arens stated this case was included in the revised staff memorandum but would be deleted immediately.

DeLoach, while discussing other matters telephonically with [redacted] of "The American Legion Magazine," New York City, on 3-5-58, was advised by [redacted] that Legionnaires within the Treasury Department, Division of Internal Revenue, had confidentially advised him that a decision had already been reached to eliminate the Fund for the Republic's tax-exempt status, that this decision had gone all the way to the top in the Treasury Department but had been stopped there prior to action being taken so as to give the HCUA sufficient

Memorandum to Mr. Tolson from G. A. Nease  
Re: Fund for the Republic, HCUA Report

time to issue its report against the Fund for the Republic [redacted] stated the Treasury Department is of the opinion that the Fund for the Republic will take this matter to court, therefore necessitating the Treasury Department to slow up its final decision so as to have some actual instrument, i. e., the HCUA report, in order to have enough facts that will stand them in good stead in a court battle.

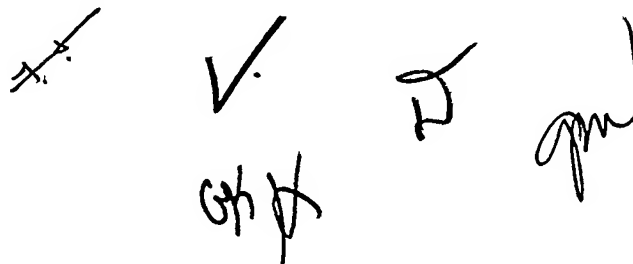
b6  
b7C

RECOMMENDATIONS:

(1) This matter will be followed closely with Dick Arens. The Liaison Section should keep in close touch with the Treasury Department on a discreet basis in an effort to ascertain what substance, if any, there is to [redacted] information as received 3-5-58.

b6  
b7C

(2) Although the first report as submitted by the HCUA has been completely revised (which is now in the form of a staff memorandum) and has already been reviewed by the Domestic Intelligence Division, it is suggested that the attached staff memorandum be additionally scanned to ascertain if we have further objections to this item in any manner. As pointed out above, this memorandum will not be made available to the Treasury Department for at least one week. We, therefore, have that length of time to decide whether there are any further objections or not and to have such objections taken care of with the HCUA.



## Office Memorandum • UNITED STATES GOVERNMENT

TO :

Mr. L. V. Boardman *1/28*DATE: March 10, 1958 *3/11/58*

FROM :

A. H. Belmont *9*

SUBJECT:

FUND FOR THE REPUBLIC  
HOUSE COMMITTEE ON UN-AMERICAN  
ACTIVITIES (HCUA) REPORT

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE *2/4/82* BY *SP6 BJA/P*

Tolson ☒  
Boardman ☒  
Belmont ☒  
Parsons ☒  
Rosen ☒  
Tamm ☒  
Nease ☒  
Tele. Room ☒  
Holloman ☒  
Gandy ☒

Reference memorandum Mr. Nease to Mr. Tolson 3-6-58, which reflected a revised and corrected edition of the HCUA report regarding the Fund for the Republic (FFR), has been received. Reference my memorandum 2-26-58 which recommended certain items in the original HCUA report be brought to the attention of Dick Arens of HCUA in order that certain changes may be made. *gmb*

A review of the revised and corrected edition of the HCUA report reflects it is a more polished and better organized version of the original. Some items considered objectionable in the original version have been deleted or corrected in a satisfactory manner. Those items which need further attention are as follows: The fact that HCUA plans to inquire of the Justice and Navy Departments as to the extent of perjury investigation and action in the case of   appears on page 61 of the revised version. On 3-5-58 it was brought to the attention of Arens that this was not a good case to use in his attack on Adam Yarmolinsky's report on "Case Studies in Personnel Security." Arens indicated that this case was included in the revised edition but would be deleted. *Rouff*  
*Gaffney*

The quotation from the Director's article in the January, 1958, issue of "American Mercury" entitled "The Deadly Menace; Pseudo Liberals" now appears on page 57-58 of the revised version. Concerning this quotation the HCUA report states "It should be made clear that Mr. Hoover did not specifically name any organization in this category, however, committee investigators believe, as a result of their study, that much of what he writes is applicable to the Fund for the Republic. The campaign of opposition by

*jm*  
JVB:jmk (7)  
1 - Mr. Boardman  
1 - Mr. Belmont  
1 - Mr. Nease  
1 - Mr. DeLoach  
1 - Section  
1 - Mr. Gaffney

EX-128

REC-31

MAR 20 1958

MAR 21 1958

UNRECORDED COPY FILED IN

Memo Belmont to Boardman  
RE: FUND FOR THE REPUBLIC  
HOUSE COMMITTEE ON UN-AMERICAN  
ACTIVITIES (HGUA) REPORT

the Fund or persons appointed to its staff, to loyalty security programs has been, as found by Mr. Hoover,\* namely, to distort and misrepresent and ridicule the Government's security programs."

The above is an improvement over the original report, however, although it says Mr. Hoover did not name any organization it still says that Mr. Hoover found that the FFR's campaign has been to distort and misrepresent and ridicule....

Referenced memorandum of Mr. Nease reflects this was called to the attention of Dick Arens on 3-5-58 when he made the revised edition available and he stated that he had already issued instructions to change this entire passage.

ACTION:

Since the revised edition still contains the words "as found by Mr. Hoover" it is felt this should be again brought to the attention of Mr. Arens, if the Director approves.

\* underscoring added.

*JLB*  
*8/58*

*JLB*

✓

*7-5*

*GS*  
*2*

*Discussed  
with Arens  
2/12/58 - He  
will delete  
its entirely -  
5/8/58*

## Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. L. V. Boardman *fpb 3-19-58*

DATE: February 26, 1958

FROM : A. H. Belmont *AKB*SUBJECT: FUND FOR THE REPUBLIC  
HCUA REPORTALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED

DATE 1/02/82 BY SP6 BAP

6358

Tolson	_____
Nichols	_____
Boardman	_____
Belmont	_____
Mohr	_____
Parsons	_____
Rosen	_____
Tamm	_____
Trotter	_____
Nease	_____
Tele. Room	_____
Holloman	_____
Gandy	_____

Reference memorandum Belmont to Boardman, 2-19-58, reflecting a 143-page confidential report of House Committee on Un-American Activities (HCUA) regarding Fund for the Republic (FFR) would be reviewed; and subsequent memoranda which highlighted matters requiring immediate attention determined as a result of this review. Chairman, HCUA, plans to give report to Treasury Department with request tax exempt status of FFR be rescinded and will make report public at that time.

Page 119 of the HCUA report reprints a charge that the HCUA was irresponsible in its control of its confidential documents. This charge reads in part as follows: "In the light of this evidence of committee irresponsibility one can understand the adamant opposition of the President, the Attorney General, and Mr. J. Edgar Hoover, to demands that FBI records be turned over to congressional committees."

The HCUA rebuttal to this charge relates that the reason for the opposition to making available FBI files to congressional committees is not because of irresponsible handling. The HCUA report further reflects that: "The committee does not seek FBI records except in one instance in 1948, when evidence contained in the committee's file was in conflict with the assertions of the Administration as to the content of executive files." The reason the committee does not seek FBI records, and the reason why the FBI would be reluctant to surrender such records to a committee, if they were requested, revolves solely round the identity of informants."

Comment

The HCUA report reflects no further information regarding the instance in 1948 when the HCUA sought FBI records and it cannot be determined to what they are referring or whether or not they received the information.

REC- 95

100-391697-501

MAR 19 1958

AG:nck (6)

1 - Mr. Boardman

1 - Mr. Belmont

1 - Mr. Nease

1 - Liaison Section

1 - Mr. Gaffney

1 and copy EX. 135

3-20-58

MAR 24 1958

LIAISON

\* underscoring added

UNRECORDED COPY FILED IN 61-7542-1

Memorandum Belmont to Boardman  
RE: FUND FOR THE REPUBLIC, HGUA REPORT

ACTION:

If the Director approves, it is suggested that efforts be made through Dick Arens to identify this instance in order that Bureau files may be reviewed and the Bureau's position in this matter determined.

*[Handwritten initials]*

*[Handwritten initials]*

*[Handwritten initials]*

*[Handwritten checkmark]*

*[Handwritten number 70]*

*Arens advised  
3/11/58 HCUA repts.  
was referring to  
case of Dr. Edward  
D. C. [unclear]  
[unclear]*

*[Handwritten circled number 3]*

## Office Memorandum • UNITED STATES GOVERNMENT.

TO : Mr. L. V. Boardman

DATE: March 17, 1958

FROM : A. H. Belmont

SUBJECT: FUND FOR THE REPUBLIC  
HOUSE COMMITTEE ON UNAMERICAN ACTIVITIES  
(HCUA) REPORTALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 21 7 / 82 BY SP6/BJP

Tolson	_____
Nichols	_____
Boardman	_____
Belmont	_____
Mohr	_____
Parsons	_____
Rosen	_____
Tamm	_____
Trotter	_____
Nease	_____
Tele. Room	_____
Holloman	_____
Gandy	_____

Re my memo 2/26/58 which reflected that the HCUA report regarding the Fund For the Republic (FFR) indicated that in one instance in 1948 the HCUA sought FBI records when evidence in its files was in conflict with the content of executive files.

On March 11, 1958, Dick Arens of HCUA advised the HCUA report was referring to the case of Dr. Edward U. Condon. Bufiles reflect Condon, an atomic scientist, was director of the National Bureau of Standards and was publicly described in 1948 by Congressman J. Parnell Thomas of HCUA as being "one of the weakest links" in atomic security.

A review of the main files on Condon for the 1948 period reflected that the HCUA issued a release in 1948 in which it quoted portions of a letter from the Director to the Secretary of Commerce in May, 1947, regarding Condon. It was ascertained that an investigator of the HCUA had copied a portion of the letter which was made available to him at the Department of Commerce. (62-58854-155)

The HCUA release caused considerable public controversy in the newspapers over the fact that HCUA claimed the letter stated Dr. Condon had been in contact with an alleged Russian espionage agent and omitted the fact that the FBI letter also said there was no evidence that such association had any character of disloyalty on Dr. Condon's part. (Washington Daily News 3-3-48) (62-58854-134).

According to Mr. Nichols's memo of April 7, 1948, Congressman Thomas requested of Mr. Nichols a copy of the Director's letter, which request was refused. (62-58854-247)

ACTION:

EX-135

REC-95

MAR 19 1958

None, for information. The Bureau's position in this matter is sound.

jag:jul/plw (5)

1 - Mr. L. V. Boardman

1 - Mr. A. H. Belmont

1 - Liaison Section

1 - Mr. J. W. Coffey

MAR 24 1958

LIAISON

1 airtel copy  
3-20-58

UNRECORDED COPY FILED IN 61-7507-1



## Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. L. V. BOARDMAN *3-14-58*

DATE: March 18, 1958

FROM : A. H. BELMONT *3/19/58*

SUBJECT: FUND FOR THE REPUBLIC

Reference is made to my memorandum of March 11, 1958 (attached), advising you of the status of the Treasury Department determination concerning the Fund for the Republic tax-exempt privilege.

Tolson ☒  
 Nichols ☒  
 Boardman ☒  
 Belmont ☒  
 Mohr ☐  
 Parsons ☐  
 Rosen ☒  
 Tamm ☒  
 Trotter ☐  
 Nease ☐  
 Tele. Room ☐  
 Holloman ☐  
 Gandy ☐

ENCLOSURE

Enclosure

JJJ: hke

(8)

1-Mr. Boardman

1-Mr. Nease

1-Mr. Belmont

1-Mr. DeLoach

1-Mr. Gaffney

1-Mr. Daunt

1-Liaison Section

EX-135

EX-136

REC-35

100-391697-503

MAR 21 1958

APR 3 1958

*Gaffney*  
*214/503*

Referral/Consult

Memorandum from Mr. Belmont to Mr. Boardman  
RE: FUND FOR THE REPUBLIC

Referral/Consult

[Redacted]

[Redacted]

[Redacted]

Memorandum from Mr. Belmont to Mr. Boardman  
RE: FUND FOR THE REPUBLIC



ACTION:

Referral/Consult

For your information. Liaison will continue to follow this matter.

*[Handwritten signatures and initials]*  
JAD  
A  
Jm  
JL  
✓

## Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. L. V. Boardman *file 3/20/58*

DATE: March 11, 1958

FROM : A. H. Belmont *awh*

SUBJECT: FUND FOR THE REPUBLIC

Reference is made to Mr. Nease's memorandum to Mr. Tolson March 6, 1958, advising of the contemplated action to be taken by the HCUA in connection with its report on the Fund for the Republic. This memorandum recommended that Liaison discreetly make inquiry at the Treasury Department to determine the status of its consideration of the Fund's tax-exempt status.

Referral/Consult

Tolson ☒  
 Nichols ☒  
 Boardman ☒  
 Belmont ☒  
 Mohr ☒  
 Parsons ☒  
 Rosen ☒  
 Tamm ☒  
 Trotter ☒  
 Nease ☒  
 Tele. Room ☒  
 Holloman ☒  
 Gandy ☒

*mye*  
 JDP:hke/mje (8)

D.C.  
EX-136

REC-35

100-391627-503  
MAR 21 1958

1 - Mr. Boardman  
 1 - Mr. Belmont  
 1 - Mr. Nease  
 1 - Mr. DeLoach  
 1 - Mr. Gaffney  
 1 - Mr. Daunt  
 1 - Liaison Section

Memorandum from Mr. Belmont to Mr. Boardman  
RE: FUND FOR THE REPUBLIC

Referral/Consult

- 2 -

\*The Fund originally filed for tax-exempt status as an educational organization. This requires among other things that the product of the Fund be such as to not attempt to influence legislation nor is it allowed to present opinion through its publications, lectures and other media which would prevent the public from forming independent and informed conclusions, i.e. be unbiased.

The new proposal would place the Fund in a category of nonprofit organizations "engaged in promoting the social welfare of mankind generally." Such organizations are not precluded from presenting opinion or influencing legislation in carrying out its purpose.

Memorandum from Mr. Belmont to Mr. Boardman  
RE: FUND FOR THE REPUBLIC

ACTION:

For the Director's information. Liaison will  
follow with

Referral/Consult

*RB*  
*ASr*  
*gmr*  
*hgm* ✓

## Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Belmont

DATE: March 26, 1958

FROM : R. R. Roach

SUBJECT: FUND FOR THE REPUBLIC  
HOUSE COMMITTEE ON UN-AMERICAN  
ACTIVITIES (HCUA) REPORT63581  
ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 1/8/82 BY SP6/BJPTolson \_\_\_\_\_  
Nichols \_\_\_\_\_  
Boardman \_\_\_\_\_  
Belmont \_\_\_\_\_  
Mohr \_\_\_\_\_  
Parsons \_\_\_\_\_  
Rosen \_\_\_\_\_  
Tamm \_\_\_\_\_  
Trotter \_\_\_\_\_  
Nease \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Holloman \_\_\_\_\_  
Gandy \_\_\_\_\_

Reference is made to the memorandum of Mr. Nease to Mr. Tolson dated February 13, 1958, reflecting a 143-page copy of a confidential report of the HCUA regarding the Fund for the Republic (FFR) was made available to the Bureau on a confidential basis, and memorandum dated March 6, 1958, reflecting a revised and corrected edition of the report had been received. Reference is also made to memorandum of Mr. Belmont to Mr. Boardman dated February 19, 1958, which reflected the HCUA report would be reviewed in the Special Memo Unit of the Liaison Section and subsequent memoranda which set forth pertinent information contained in the HCUA report.

This review has been completed and pertinent information contained in the HCUA report will be incorporated into the FFR running memorandum, January 1 - March 31, 1958, revision.

Since much of the information contained in this report was previously known to the Bureau and pertinent information has been included in separate memoranda, it is felt a detailed indexing of this report should be postponed until the final revision becomes available. These editions of the HCUA report are as yet unpublished. They are made available to the Bureau on a confidential basis and the source of this information cannot be divulged outside the Bureau.

RECOMMENDATION:

That the enclosed copies of the HCUA report be filed without indexing.

Enclosures (2)

JJG:pdf (7)

- 1 - Mr. Boardman
- 1 - Mr. Belmont
- 1 - Mr. Nease
- 1 - Mr. DeLoach
- 1 - Liaison Section
- 1 - Mr. Gaffney

ENCLOSURE

EX-135

REC-65

100-391697-504

EX-135

MAR 27 1958

76 APR 1 1958

1 c/cr Gray  
3-31-58

S. J. G. B.

C. I. A. S. T. F. Y. I. N. I. T.

RECORDED COPY FILED IN 61-7582

## Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. L. V. Boardman

DATE: March 28, 1958

FROM : A. H. Belmont

SUBJECT: FUND FOR THE REPUBLIC

Tolson ☒  
 Nichols ☒  
 Boardman ☒  
 Belmont ☒  
 Mohr ☒  
 Parsons ☒  
 Rosen ☒  
 Tamm ☒  
 Trotter ☒  
 Nease ☒  
 Tele. Room ☒  
 Holloman ☒  
 Gandy ☒

Reference is made to my memorandums of March 11 and 18, 1958, advising you of the current Treasury Department consideration of the Fund's tax-exempt status.

Referral/Consult

If the Fund is able to satisfy Treasury that its recent activity and all planned future activity is purely educational research and will ~~not~~ be unbiased, the Treasury may well rule that the Fund maintain its tax-exempt privilege as an educational organization. 1958

ACTION:

For your information.

- JAD:pwj (7)  
 1 - Mr. Boardman  
 1 - Mr. Belmont  
 1 - Mr. Nease  
 1 - Mr. Gaffney  
 1 - Liaison Section  
 1 - Mr. Daunt

38 APR 2 1958 REC-42 EX-117

what a force!



## Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. TOLSON

DATE: March 27, 1958

FROM : G. A. NEASE

SUBJECT: FUND FOR THE REPUBLIC

Tolson	<input checked="" type="checkbox"/>
Boardman	<input checked="" type="checkbox"/>
Belmont	<input checked="" type="checkbox"/>
Mohr	<input checked="" type="checkbox"/>
Nease	<input checked="" type="checkbox"/>
Parsons	<input checked="" type="checkbox"/>
Rosen	<input checked="" type="checkbox"/>
Tamm	<input checked="" type="checkbox"/>
Winterrowd	<input checked="" type="checkbox"/>
Tele. Room	<input type="checkbox"/>
Holloman	<input type="checkbox"/>
Gandy	<input type="checkbox"/>

Dick Arens, general counsel, House Committee on Un-American Activities (HCUA), confidentially advised DeLoach 3-27-58 that his committee would issue a press release on Sunday, March 30, 1958, concerning the Fund for the Republic. The press release represents the text of a letter which Chairman Walter of the HCUA sent to Secretary Anderson of the Treasury as of 3-26-58 advising the Secretary that he was making available a staff memorandum on the Fund for the Republic. (This is the staff report which we had previously obtained on a confidential basis. The Domestic Intelligence Division has reviewed this report and all objectionable features to the FBI have been removed from the report by the HCUA.) The said press release indicates that the Fund for the Republic has engaged in a program principally of action and not of education and that its targets have chiefly been congressional investigations of communism, Government security procedures, loyalty oaths, and regulation of immigration. Chairman Walter calls upon Secretary Anderson to remove the tax-exempt status of the Fund for the Republic.

The only place in which the FBI is mentioned is paragraph 2, page 2, in which the specific statement is made: "The Fund has also financed attacks, unsupported by competent evidence, upon the loyalty, integrity, intelligence and mental stability of all confidential informants of the Federal Bureau of Investigation who have testified in public trials or proceedings."

There is attached an advance copy of the press release.

ACTION:

For information.

ENCLOSURE

EX-128

Enclosure

cc-Mr. Boardman

cc-Mr. Belmont

cc-Mr. Jones

CDD:jmr

(5)

REC-78  
EX-128

100-391697-506

16 APR 1 1958

CRIME REC.

64 APR 7 1958

FOR RELEASE SUNDAY, MARCH 30, 1958  
PLEASE GUARD AGAINST PREMATURE RELEASE

FROM THE OFFICE OF REPRESENTATIVE FRANCIS E. WALTER,  
(D., PA.) CHAIRMAN, COMMITTEE ON UN-AMERICAN ACTIVITIES.

The following is the text of a letter I sent on March 26, 1958, to the Secretary of the Treasury:

"Dear Mr. Secretary:

"For some time the staff of the Committee on Un-American Activities has been engaged in an inquiry into the Fund for the Republic, a purported educational foundation which enjoys a tax-exempt status.

"The inquiry into the Fund for the Republic was stimulated by the Foundation's curious posture in regard to matters affecting the security of the United States, and by a number of statements made by outstanding patriotic organizations including the American Legion, the Veterans of Foreign Wars, and by prominent public figures, condemning the activities of the Fund for the Republic.

"The purpose of the inquiry, as I announced at the time I initiated it, has been to determine whether this multi-million-dollar foundation is a friend or foe in America's battle against Communism. While the facts which have been developed do not establish that the Fund for the Republic is Communist-controlled or influenced, it is clear that the Fund's activities in toto indict it as a hindrance in this battle.

"I am making available to you a staff memorandum on the Fund for the Republic analyzing various projects which the Fund has engaged in since its creation. The memorandum is not being made public because some of the material contained therein relates to matters not strictly within the jurisdiction of the Committee, and should not be construed as findings of the Committee itself.

"The contents of the staff memorandum demonstrate that the Fund engages in propaganda and is attempting to influence legislation in violation of Section 501 (c)(3) of the Internal Revenue Code. The memorandum documents the lack of objectivity on the part of the Fund for the Republic to qualify it as a bona fide educational or scientific organization within the criteria established by the Code for tax-exempt organizations. While some projects of the Fund for the Republic appear to be objectively presented, the majority of its operations are based on the biased investigation and result in findings which not only fail to present both sides of a given question, but even further, actually conceal facts necessary for an honest understanding of the subject matter.

"The program of the Fund for the Republic has been principally one of action and not of education. Among its chief targets have been congressional investigations of Communism, Government security procedures, loyalty oaths and regulation of immigration.

"The Fund has spent several million dollars opposing the denial of employment to security risks in Government and defense and other industries. The Fund

100-391697-506  
ENCLOSURE

Mr. Robert B. Anderson

3/26/58

has financed attacks upon newspapers, magazines and individuals expressing positions with which it disagrees. It has financed preparation and distribution of books, magazines and articles to influence legislation.

"The Fund has also financed attacks, unsupported by competent evidence, upon the loyalty, integrity, intelligence and mental stability of all confidential informants of the Federal Bureau of Investigation who have testified in public trials or proceedings.

"I am submitting this staff memorandum to you because I do not wish the Committee on Un-American Activities to expend itself further on peripheral organizations when there is so much to be done in fighting the Communist conspiracy itself. I have directed the staff to make available to you, on a confidential basis, or to persons in the Internal Revenue Service which you may designate, all of the material and exhibits assembled by the staff during the inquiry. I am confident that an objective appraisal of the activities of the Fund will compel the conclusion -- already made by experts in the Internal Revenue Service -- that the Fund for the Republic's tax-exempt status should be revoked.

"It is essential that the American people no longer be required to give an involuntary subsidy to an organization which, while not directly controlled by the Communist enemies of the United States, nevertheless in many instances has provided aid and comfort to them."

# # # # #

## Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. L. V. Boardman

DATE: March 27, 1958

FROM : A. H. Belmont

SUBJECT: FUND FOR THE REPUBLIC (FFR)  
HOUSE COMMITTEE ON UN-AMERICAN  
ACTIVITIES (HCUA) REPORT

Belmont ☒  
Nichols ☒  
Boardman ☒  
Belmont ☒  
Mohr ☐  
Parsons ☐  
Rosen ☐  
Tamm ☐  
Trotter ☐  
Nease ☐  
Tele. Room ☐  
Holloman ☐  
Gandy ☐

Re my attached memorandum 3-25-58 which reflected a review of the HCUA report of findings concerning the FFR has been completed and set forth summaries of pertinent information occurring in HCUA report. A synopsis of these summaries is as follows:

Paul G. Hoffman was elected chairman of the Board of the FFR before his resignation from the Ford Foundation became effective and before \$14,000,000 was appropriated to the FFR. One of the original five incorporators of the FFR was Albert W. Driver, Jr., who may be identical with the subject of a Security Matter - C investigation conducted in 1948. Driver was alleged to be a Communist Party (CP) member in 1946. He was interviewed by Bureau Agents in 1955, admitted being "radical" during 1945-48, but could not recall details. In 1955 officers of FFR, without investigation, approved awards to Community Chest groups who retained Dr. Goodwin Watson in their employ; but Board of Directors suspended awards. Dr. Watson of Columbia University, New York City, was on security index until September, 1955. Bureau files contained indication of procommunist sympathies on part of Anna Lord Strauss and Alfred H. Kelly, president and director of the FFR's Freedom Agenda Program.

author of a FFR study, HCUA report claims John Cogley, lied in refusing to identify his informants in his blacklisting report because of confidential assurance he gave. HCUA quoted a letter of Cogley in which he denied making such an assurance. Robert M. Hutchins rejected findings of research of American Bar Association Committee, under FFR's grant, because findings were favorable to Congressional investigations. FFR failed to publish Fear in Education findings after Board of Directors recommended publication. HCUA unable to determine results of this study. Pamphlet "The Kept Witnesses," which attacked use of CP informants as witnesses, was written as a result of a request by officers of FFR. Board of Directors rejected pamphlet. It was printed in "Harpers Magazine" and FFR distributed reprints. HCUA report claimed real purpose of FFR's study of testimony of four former CP members is to establish reliability or unreliability of the witnesses.

## ACTION:

None. For information.

REC- 92

- 134

100-391697-507

16 APR 2 1958

Enclosure (1)

JAG:pw (5)

1 - Mr. Boardman

1 - Mr. Belmont

1 - Adm. Section

1 - [redacted] b6 b7C

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 11-25-86 BY 516

UNRECORDED COPY FILED IN 6

## Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. L. V. Boardman *12/31/58*

FROM : A. H. Belmont *4/1/58*

SUBJECT: FUND FOR THE REPUBLIC  
HOUSE COMMITTEE ON UN-AMERICAN  
ACTIVITIES (HCUA) REPORT

DATE: March 25, 1958

Tolson ☒  
Nichols ☒  
Boardman ☒  
Belmont ☒  
Mohr ☐  
Parsons ☐  
Rosen ☐  
Tamm ☐  
Trotter ☐  
Nease ☐  
Tele. Room ☐  
Holloman ☐  
Gandy ☐

Re my memorandum 2-19-58 which reflected that the 143 page confidential report of the HCUA, which set forth its findings concerning the investigation of the Fund for the Republic (FFR), would be reviewed and subsequent memoranda regarding pertinent information contained in the HCUA report.

The review of the HCUA report has been completed. In addition to the information set forth in previous memoranda there are set forth below summaries of pertinent information from the HCUA report regarding the FFR and some of its projects.

ACTION:

None. For information.

Origin of the FFR

According to the HCUA report the FFR was conceived and set up by Paul G. Hoffman and Robert M. Hutchins when they were president and assistant director, respectively, of the Ford Foundation. Hoffman was tentatively chosen as chairman of the FFR Board of Directors before the additional fourteen million dollars was appropriated in 1953. While still president of the Ford Foundation Hoffman recommended money in the amount of from fifteen to twenty-five million dollars be appropriated to the FFR. Before the money was appropriated, and before Hoffman's resignation with the Ford Foundation became effective, he was elected chairman of the Board of the FFR.

Incorporation of the FFR

REC-92  
EX-134

The FFR was incorporated in New York State in December, 1952. One of the original five incorporators was Albert W. Driver, Jr. who may be identical with the subject of a security matter - C case investigated by the Bureau in 1948. Bureau investigation reflected Albert W. Driver, Jr.

AG: jmk (5)  
1 - Mr. Boardman  
1 - Mr. Belmont  
1 - Section  
1 - Mr. Gaffney

*memo Belmont to Boardman*  
*3-27-58*  
*89 G: per*

ENCLOSURE

100-391697-507

*1 aut copy*  
*4-3-58*

Memorandum Belmont to Boardman  
RE: FUND FOR THE REPUBLIC  
HOUSE COMMITTEE ON UN-AMERICAN  
ACTIVITIES (HCUA) REPORT

was reportedly a member of the Communist Party (CP) in 1946 at Yale University, New Haven, Connecticut, and in 1947 was reported to be active in organizing employees at a New Haven company plant and reporting results to CP officials. Driver was interviewed by Bureau Agents in February, 1955, stated he was "radical" during the period 1945-48, was ashamed of that period of his life, but could not recall ever being a member of the CP or any other details about that period of his life.

The original incorporators were replaced following the election of the members - directors, who were selected by Robert M. Hutchins.

COMPLETED STUDIES AND PROJECTS

Special Awards

The HCUA report reflected that in 1955 the FFR approved awards on behalf of Dr. Goodwin Watson. The awards were to be made to a medical center and Community Chest groups in New York State. The officers of the FFR approved the awards, decided on the amount, recommended them to the Board of Directors and then sent out an investigator to determine the "facts." According to the HCUA report the only purpose that could be served by this award was the encouragement of organizations to hire individuals who had long records for support of communist causes. On November 17, 1955, the Board of Directors of the FFR suspended these awards and withheld this action from the press in contrast to a nationwide press release when the award was made.

Dr. Goodwin Watson, a professor of education, Teachers College, Columbia University, New York, New York, was on the Security Index until September 23, 1955. He was described by Louis Budenz as a member of a considerable number of communist front groups and although CP members mentioned him to Budenz as a communist, Budenz could supply no evidence of CP membership on the part of Watson. Bureau files reflected the October 5,

Memorandum Belmont to Boardman  
RE: FUND FOR THE REPUBLIC  
HOUSE COMMITTEE ON UN-AMERICAN  
ACTIVITIES (HCUA) REPORT

1954, issue of the "New York World Telegram and Sun" carried an article which reflected that a Larchmont, New York, Community Chest "trial" committee "acquitted" Dr. Watson of charges of procommunist affiliation leveled at him by the Americanism Commission of the Westchester County American Legion.  
(101-3702-54)

Freedom Agenda Program

The HCUA report reflected that early in 1954 Anna Lord Strauss, an official of the League of Women Voters, approached the FFR to seek a grant of money to combat a "climate of fear and suspicion" which had been generated in the U.S. The Fund made money available to the Carrie Chapman Catt Memorial Fund, a tax-exempt educational organization created by the League of Women Voters in 1947. The purpose of the Freedom Agenda Program was to involve all the groups in a community in a continuing discussion of the basic rights of Americans. Articles were written to aid discussions and the subjects included opposition to anticommunist laws and practices. Anna Lord Strauss became president of the Freedom Agenda Program and Alfred H. Kelly, chairman of the History Department, Wayne University, Detroit, Michigan, became its director.

Anna Lord Strauss was investigated by the Bureau in May and June, 1957, as a United Nations employee. Bureau files reflect that in 1938 Miss Strauss and the League of Women Voters urged the governor of New York to veto proposed legislation which would bar from teaching persons who believed in the overthrow of our Government. On January 27, 1950, one Anna Lord Strauss, who may be identical, wrote a check for \$500 payable to an individual but deposited in an account which received funds payable to the Alger Hiss Defense Fund.  
(138-3883-11, 13, 17)

Alfred H. Kelly has not been investigated by the FBI. In 1942 his name appeared on a "List for Sponsoring Committee for Michigan Congress for Freedom of Earl Browder." In 1946 Kelly's name appeared on what was alleged to be a list of financial contributors and sponsors in Michigan to the American Youth for Democracy (AYD-cited communist front organization). According to a newspaper article in August,

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1955, the United States Army described Kelly as a contributor and supporter of the AYD and this became the subject of considerable public controversy. In September, 1955, Secretary of the Army Brucker publicly admitted a mistake had been made in the allegation against Kelly. In 1952 Kelly was reported to have said that he had no objections to communist teachers as long as they taught their subject matter without a communist slant.

#### Blacklisting In Private Industry

The HCUA found that "blacklisting" was a word used by the Communist Party to pressure for the continued employment or re-employment of a former communist. This FFR project resulted in a 2-volume publication by John Cogley who was called before the HCUA in order to testify concerning the anonymous sources mentioned in his publication. Cogley refused to identify his informants and claimed as a newsman he and his staff gave confidential assurance not to divulge their sources. The HCUA report reflected Cogley's claim was a "lie" and quoted from a letter written by Cogley to one of his informants who complained that Cogley had broken his confidence. In the letter Cogley denied he gave any assurance not to divulge.

#### American Bar Association, Special Committee on Individual Rights as Affected by National Security

According to the HCUA report the FFR's first grant of funds went to the above Special Bar Committee which conducted research and found that the communist conspiracy seeks to weaken and divide the nation. Other findings supported Congressional investigations, the methods used and the results achieved. The HCUA report reflected that Hutchins rejected the findings of this committee and issued his own "facts" which were in opposition to the results of this research.

#### The Study of Fear In Education

According to the HCUA report, in March, 1954, Hutchins wrote an article entitled "Are Teachers Afraid to Teach." In



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his article Hutchins concluded teachers were afraid because of investigations into their loyalties. In January, 1955, the FFR publicly announced it would undertake a study of fear in education, and the press release resolved that fear existed and the study would determine to what degree it existed. In January, 1957, the HCUA requested a copy of the results of this project and was advised by the FFR it was made orally to the Board of Directors and no written report existed. The HCUA report pointed out that on February 15, 1956, Elmo Roper, chairman of the board, recommended and the board approved that the Fear in Education findings be reduced to manuscript form suitable for publication. The FFR had not published the report as of January, 1958, and HCUA was unable to determine the results of this study.

#### Distribution of Publications

The HCUA report reflected that the pamphlet "The Kept Witnesses" by Richard H. Rovere attacked the use of Communist Party informants as witnesses and the effect was to dry up as sources of information available to both the FBI and Congressional committees the flow of testimony from former members of the CP. This pamphlet was written as a result of the Board of Directors having authorized the FFR officers to commission the preparation of a pilot pamphlet for Board consideration as an example of the type of publication the FFR might undertake to distribute. The pamphlet was rejected by the Board of Directors but was printed in "Harpers Magazine" issue of May, 1955, and the officers of the FFR contracted for 25 thousand reprints which were paid for and distributed by the FFR.

In November, 1955, the Board of Directors agreed that each item recommended for distribution by the officers should be cleared by the counsel, presented to the Board for approval as to subject matter and plans for distribution before any distributions are made. The HCUA report reflected that prior to this action Hutchins distributed anything he desired, most of which supported his position.

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CURRENT STUDIES AND PROJECTS

Study of Testimony Given By Former Communists

The HCUA report reflected that the FFR made a grant to the Stanford University School of Law, Palo Alto, California, to study the testimony of 4 former members of the CP - Elizabeth Bentley, Louis Budenz, Whittaker Chambers, and John Lautner. The announced purpose of the study was to aid in the public understanding of communist penetration in the United States. It was expected by the FFR that the study would strengthen testimony through corroboration by others or weaken testimony through contradiction by others; through inconsistencies, and through gaps. An index digest of the study is to be prepared and made available to those who wish to use it. The project was to be completed by December 31, 1957, but no publication has been issued as of January, 1958. The HCUA's report pointed out that to study the testimony of only 4 witnesses would leave many areas of the communist conspiracies uncovered and the real purpose of this project is to establish the reliability or unreliability of the witnesses.

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## Fund Sees TV News Freedom Curb

NEW YORK, April 16 (AP) — The fund for the Republic today said response to the Columbia Broadcasting System's televised interview with Soviet leader Nikita S. Khrushchev last year indicated that American television is not as free to gather news as is the press.

The Fund said in a 15-page report written by Herbert Mitgang, an editor in the Sunday department of the New York Times, that the interview with Khrushchev was "an important event in the history of television news in the United States."

"Not so much for what was said," the report stated. "Not because it was the first televised interview with a Kremlin leader. Certainly not because of the audience that the program attracted; the audience for 'Lassie' at a better

time that day on CBS more than doubled Khrushchev."

However, it said the interview "raised more clearly than it has ever been raised before, a question fundamental to the development of television as a medium for public service."

That question, it said, was: "Does American television, in its role as a news gatherer and broadcaster, have the same freedom as the American newspaper?"

The study, one of a series being carried out by the Fund on the basic issues of freedom in modern society, indicated that television did not enjoy the same freedom.

"If a newspaper had published an interview with Khrushchev, no responsible person in any communications field would have thought of questioning the propriety of the publication," Mitgang's report said. "But when a tele-

vision network, after great precautions to protect the integrity of the performance and after making its intention known to the highest level of the Government, telecast an interview with the Kremlin leader, the propriety was very seriously questioned."

### Criticism Implied

"The President of the United States made a statement which at least implied criticism. Important members of Congress openly challenged the wisdom of the presentation. The press was ambivalent. Under the circumstances it is reasonable to assume that the networks will bear the criticism in mind when they are considering future 'controversial' telecasts of this nature."

The study said that ordi-

narily all newspaper copy and radio and television broadcasts in Russia are censored in Moscow.

"In the case of the Khrush-

chev broadcast, however, the film and the sound were flown out without censorship of any kind. This had not happened before in Soviet Russia," it said.

*Roach*  
*Daffney*

Wash. Post and Times Herald B-12  
 Wash. News \_\_\_\_\_  
 Wash. Star \_\_\_\_\_  
 N. Y. Herald Tribune \_\_\_\_\_  
 N. Y. Journal-American \_\_\_\_\_  
 N. Y. Mirror \_\_\_\_\_  
 N. Y. Daily News \_\_\_\_\_  
 N. Y. Times \_\_\_\_\_  
 Daily Worker \_\_\_\_\_  
 The Worker \_\_\_\_\_  
 New Leader \_\_\_\_\_

Date 4/17/58

*File - 100-391697*

#290,567

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 3/4/88 BY SP5CJ/RBG

*100-391697-508*

ENCLOSURE

## Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. L. V. Boardman

DATE: April 21, 1958

FROM : A. H. Belmont

SUBJECT: FUND FOR THE REPUBLIC (FFR)

FUND FOR TV NEWS Freedom CURB  
Attached article from the "Washington Post and

Times Herald" of April 17, 1958, reflected that the FFR has sponsored a study and issued a 15-page report regarding the television industry's freedom to gather news. The report was written by Herbert Mitgang, an editor in the Sunday Department of "The New York Times" who has not been previously identified with the FFR. According to the article, Mitgang's study reflected the television industry did not enjoy the same freedom as American newspapers in its role as news gatherer and broadcaster. As an example of the curb on the freedom of television, the study cited criticism leveled against the Columbia Broadcasting System's televised interview with Soviet leader Khrushchev. Mitgang's report stated the President of the U.S. made a statement which "implied criticism" and "important members of the Congress openly challenged the wisdom of the presentation."

Bufiles reflected Mitgang was subject of a Security Matter-C investigation in 1953. No evidence of Communist Party (CP) membership or activities was developed. However, he was reported to have supported the procommunist group in the Newspaper Guild of New York in 1949 and ran for office in that Guild on the procommunist slate in 1950. An executive vice president of the Guild of New York has advised that the issue of communist control became very sharp during 1947-50 and was brought out in the open. He believed Mitgang too intelligent to have supported the communists unwittingly. In 1951, Mitgang was the signer of an advertisement which denounced the Supreme Court decision upholding the conviction of CP leaders under the Smith Act. Investigation also developed that Mitgang associated with CP members and sympathizers. (100-402219)

Mitgang testified before the Senate Subcommittee on Internal Security in executive session on December 6, 1955. He denied ever being a member of the CP or knowing about CP activities on the part of others. (62-88217-1823 page 202)

ACTION: None. For information.

Enclosure

100-391697

G:mje (5)

1 - Mr. Boardman  
1 - Mr. Belmont  
1 - Liaison Section; 1 - Mr. Gaffney

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DATE 3/4/88 BY SP5CJ/BBG

ENCLOSURE 59  
EX-108

REC-59

EX-108

100-391697-508

10 APR 23 1958

## Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. L. V. Boardman *4/29/58*

DATE: April 28, 1958

FROM : A. H. Belmont *AB*

SUBJECT: FUND FOR THE REPUBLIC 100-371627

Tolson ☒  
 Nichols ☒  
 Boardman ☒  
 Belmont ☒  
 Mohr ☒  
 Parsons ☒  
 Rosen ☒  
 Tamm ☒  
 Trotter ☒  
 Nease ☒  
 Tele. Room ☒  
 Holloman ☒  
 Gandy ☒

Reference is made to my memorandum of 3/28/58 advising you of the Treasury Department's consideration of the captioned organization's tax-exempt status. It was pointed out in referenced memorandum that Treasury had indicated it would retain the Fund for the Republic's tax-exempt privilege as an educational organization based on its present and planned future activity.

Referral/Consult

This hearing was requested by the Fund and actually is not necessary to the Treasury's reconsideration of the Fund's tax-exempt status. Since this hearing will be open to the public, it gives the Fund an opportunity to argue the merits of its case with the benefit of the press.

ACTION:For your information. *V.*

- 1 - Mr. L. V. Boardman
- 1 - Mr. A. H. Belmont
- 1 - Mr. G. A. Nease
- 1 - Mr. J. J. Gaffney
- 1 - Liaison Section
- 1 - Mr. J. J. Daunt

JJD:jvl (7)

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EX-103

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SAC, New York

April 25, 1958

Director, FBI

**FUND FOR THE REPUBLIC (100-391697)**  
**MIKE WALLACE TV INTERVIEW PROGRAM (94-49860)**

The "Washington Post and Times Herald" of April 22, 1958, carried an article which reflected that Newsmaker Productions, Incorporated, and the Fund for the Republic (FRR) will produce a series of Mike Wallace TV interview programs at 10:00 p.m., Sundays over the American Broadcasting Company TV network. The article did not reflect a date for the first program and indicated it would probably not be televised in the Washington, D. C., area.

The news article reflected the new program "will examine such relationships of the free society as those between individual freedom and modern corporations, the citizen and the union, and the citizen and the requirements of national defense."

"Other areas to be covered in the Wallace interviews will be the effects of the mass media on freedom, the role of political parties and pressure groups, and the role of religious institutions in a democratic society."

In view of the past controversial activities on the part of both the FRR and Wallace, the New York office is requested to monitor these TV programs and furnish the Bureau the identity of persons interviewed, a summary of the conversation, and particularly any information of interest regarding the U.S. Government, its agencies and policies. The New York office is also requested to furnish news clippings regarding these programs including columns by TV critics and editorialists.

Bureau files do not reflect any information identifiable with Newsmaker Productions, Incorporated. NYO is requested to review its files regarding this corporation and furnish results to the Bureau.

It is requested that the original and four copies of communications regarding this matter be sent to the Bureau bearing the above caption. It is not desired that any active investigation be conducted concerning this matter.

100-391697-509

REC-99

(Cover memo Belmont to Boardman 4/24/58)

Re: FUND FOR THE REPUBLIC (FRR)

MIKE WALLACE TV INTERVIEW PROGRAM

JJG:mje)

100-391697

94-49860

JJG:mje (9)

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